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Musing Moments

AT BURRITT AND VANDERBILT

By Marbin Campen

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Martin Conyers

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By MARVIN CAMPEN

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Nashville, Tenn.

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THE AUTHOR

lovingly and respectfully dedicates this volume to his parents,

GAVIN HOYTE

and

ELIZABETH ROBERTS CAMPEN

and his wife,

BEULAH WOMACK CAMPEN

To his parents, because in their tender
devotion for the Author, both his and the book's faults and
imperfections will be condoned; to the wife, because
in her anxiety to behold something the
Author has accomplished, the
imperfections of the book
will be forgotten

THE AUTHOR

The Daughters of the South

(Written for Mr. A—, President of the Calliopean Literary Society.)

WHEN we glance at the calendar of ages and behold here and there a tinted figure glow, a letter of living fire gleam forth in gorgeous, yet pure and perfect glory; when we step on the threshold of Time's hallowed hall of Fame and wend our way along its mysterious, half-hidden labyrinths, searching for curios, and wondering in mute amazement at its pictured grandeur, pausing now and then before the shrine of some sacred goddess, some fair and faultless image of grace and beauty, some pure and perfect reflection of virtue and love; when we scan with certain scholarly care the pages of history, and see written there on earth's eternal parchment-scroll such names as Deborah, Cornelia, Elizabeth and "Mary, the Mother of Washington," we are made to realize the glorious consummation of God's plan, the crowning excellence of His handiwork, in giving man a helpmeet and bestowing upon his kingdom a creature whose bewitching smile should tempt him to fall for the sake of showing his real worth and merit in rising again. Since the calm and quiet comfort of Eden was forever closed to mankind, woman, that crowning climax of all creation, has unceasingly struggled by his side, ever patient and kind and gentle, her feminine strength never yielding, to regain, not this garden of ease and idleness, but a freehold in the realm of his maker where angel bands chant the immortal hymn, its sublime notes to be forever wafted in pure and plaintive perfection across the Elysian fields, at last to be echoed in strains of soothing sweetness from the very corridors of Jehovah's temple.

Who would not be moved by the story of the simple yet boundless prudence and devotion of Deborah, "The Mother of Israel?" Who could read of the Excellence of Rachel and be not convinced that Jacob's fourteen summers at working and wooing and winning were not ill-spent? Aye, these women were the mothers of men and the makers of history.

Classic Greece and Rome contribute their constellations of feminine luster and virtue to the galaxy of eternity. No one was prouder of or rendered more immortal by Thermopylae than the mothers of those Spartan lads who fought and fell. And 'twas the hand of fair Aspasia who passed the cup from the fountain of wisdom filled with the sparkling libation for the lips of Socrates who imbibed, and blessed her who gave it. 'Tis useless to refer to that glad morning when the light of Heaven shone in unspeakable glory about the earth, and the star of Bethlehem beckoned the wise men of the East and guided them until it hovered o'er a certain city and with its brilliant beams searched out a spot where lay a virgin mother, and her babe in a manger; of this mother's care and confidence through the years; and at last of her tears and devotion on the heights of Calvary. Oh, most blessed woman!—

"Not she with traitorous lips the Master stung;
Not she denied Him with a liar's tongue;
She, when Apostles fled, had power to brave—
Last at the cross, and earliest at the grave."

Every nation has its list of heroes, but none of them that have progressed in the march of civilization is without its list of heroines. Of whom can France be more boastful than of the simple, yet heroic Maid of Orleans, whose love for liberty fearlessly burst forth in all of its fervor and fury and deluged the cries of treason and fanaticism in an ocean of triumph? For whom does England cherish a fonder affection than Elizabeth, the Virgin Queen, or Victoria the beloved guardian of her fortunes for more than half a century?

And America, blessed America! Sweet land of Liberty. Is she not proud of the achievements of her womanhood? 'Twas a woman, fair Isabella, who first gave audience to one who had been dubbed the crank of the age by nation after nation, and sent him on a voyage in quest of a western passage to the Orient, but to receive him again and hear a wonderful as well as a doubtful message from his lips as they charmingly related the discovery of a new world. It is said that a woman was the first to set foot on the rocks at Plymouth and the first to unfold the banner of the Pilgrim Fathers on New England shores. 'Twas Abigail Adams who penned the first Declaration of Independence

and mailed it to her husband advising him to plant his foot firmly for the interests of his countrymen against the tyranny of George the Third. And when the clouds of war gathered denser and darker, and at last burst like a torrent of hell itself in all its fury upon the Colonies, who took a nobler part, a braver stand against the foe than these mothers and daughters of the American Revolution? What wonder is it that at Monmouth we see the daring Molly Pitcher rush to occupy the place of him who had fallen in an effort to keep his pledge to defend her and her home from every peril and danger? What wonder at the sacrifices made to relieve the sad, discouraged band of suffering soldiers at Valley Forge? What wonder, I say, do we entertain, when we perceive how these immortal women kindled in the hearts of their husbands and sons and brothers the fires of liberty and independence?

And our own beloved Southland! Our own "Bonny South!" Where in the pages of history, even to the foundation of the world, do we find a land so blessed with these fair, fragrant flowers of beauty and grace and purity? Where do we find a record more romantic, a firmament more effulgent with radiance and glory as 'tis shed in unsparing fullness from her multitude of glittering orbs? Where do we find the spirit of chivalry blended more perfectly with the soul of simplicity and practical devotion to home and country? Where do we find the knightly pride of the Cavalier or the genial hospitality of the lords of the land more completely crowned with the cream of common sense? Truly, ours is the "land which flows of milk and honey," and it was of us that the Psalmist chanted this lasting hymn: "He maketh me to lie down in green pastures; he leadeth me beside the still waters; he restoreth my soul—surely goodness and mercy shall follow me all the days of my life." And for this happy state of affairs no one deserves more perpetual praise, a higher and more lasting tribute than the daughters of the South.

Look for a moment at that unparalleled picture of heroism displayed by that simple child of the forest and native of Virginia, the dusky daughter of Powhatan, as she rushes to rescue the daring paleface from death at the hands of her savage father; and behold today the many millions from every quarter of the globe turning their faces toward the spot where John Smith and John Rolfe braved the dangers of the early settlement. In this

tercentennial celebration at Jamestown no one will point with more patriotic pride to his ancestral line than will the descendants of Pocahontas.

In the dark days of the revolution a purer devotion to the cause of liberty could not have been found than that which swelled the hearts of the South's fair daughters and poured forth in unceasing floods of sympathy and sacrifice. Prayers could not have issued from purer hearts, nor offerings laid upon the altar of their country by tenderer, gentler hands. And I dare say that today, had not the needle and the loom kept harmonious note with the clank of bayonets and the rattle of musketry, the thrilling story of a continent redeemed from tyranny and oppression would be replaced with a horrid tale of a heinous rebellion, and the name of Patrick Henry would be a fit synonym to that of Judas or Cataline. No truer type of the South's womanhood could loom forth than that of Mary, the mother of Washington. She it was who taught that boy in his tenderer years the lessons of truth and duty. She it was who taught him to reverence his God and pay due allegiance to his King. She it was who taught him to love his home and his country, who taught him to "abhor that which is evil and cleave unto that which is good", who taught him to know his duty when he saw it and to rise in the strength of his manhood in the defense of his convictions. No wonder this man towered above his fellows, for these precious seed had fallen in a fertile field, and so when he unsheathed his sword and invoked the blessings of Heaven upon the task which his heart had set to perform, the people knew the Father of their Country and followed him o'er the hills of fortune, through the quagmire of adversity and out upon the plain of final success, where they unfurled the banner of triumph, sang the chorus of victory and proclaimed to the world in clarion notes and trumpet blasts the birth of a republic and the vindication of a people's wrong. It was of this same noble Mary that our brave and fearless Andrew Jackson spake when laying the cornerstone of a monument to her memory a few years later, when he said: "When the American pilgrim in after ages comes upon this high and holy place and lays his hand upon this sacred column, may he recall the virtues of her who sleeps beneath, and depart with his affections purified, and his piety strengthened, while he invokes blessings upon the mother of Washington."

It was left for Martha Washington, the noble chieftain's wife, to furnish an example of unyielding endurance and strength to other wives and mothers who had husbands and sons fighting at the front. Day and night she toiled with her hands, knitting and weaving, and then dared the dangers of personally bearing the fruits of her labor to her husband's camp. She rejoiced when victory crowned his efforts, she wept when the strain of war left its telling furrows upon his brow. When threatening clouds hovered o'er him, she was the shining light that penetrated the veil and reassured his hope. And yet, she was only one of thousands who sustained and supported the weary, waning spirits of the continental soldiers, to whom hunger and rags had been a fiercer foe than all the legions of Britons. Yes, could we but recall and converse with the shade of the sly swamp fox of South Carolina—Francis Marion, he would tell us a wonderful tale of the courage and daring of the daughters of the South when his hungry, haggard band hied forth from their dreary fastnesses to strike terror to some Tory or British brigade. And here I would not fail to mention the gentle, generous-hearted Elizabeth Steele, who freely gave her whole fortune to General Greene with which to buy food and raiment for his freezing, famishing troops; nor would I forget to laud the gallant deed of two fair feminine knights of the saddle who, disguised as Rebels, intercepted a British courier and his guard and bore them with their bloody orders, intended for the bloodier Butcher Tarlton, in triumph to Gen. Greene. Rachel and Grace Martin are known as the "Ruth and Orpah of the South." But when the final triumph came no happier hearts rejoiced, no hands were ever more willingly set to work to help in the building of a nation, than those possessed by these same fair daughters of the South. Once more were they blessed with homes and loved ones; and with the united stroke of many masters' hands the Southland soon became a perfect picture of beauty divine, one vast sublime landscape, touched here and there with verdant pastures and fields of waiving yellow, while tall majestic mountain peaks rose in magic grandeur piercing the sky; and in the background the haze of forgetfulness blended imperceptibly with the vanishing clouds as they sank below the horizon of the past. Amid peace and plenty did they dwell in this land of bountiful blessings. Truly could it be said of the Southern woman that

"Grace was in all her steps, Heaven in her eye, in every gesture dignity and love." And yet, cheerfully did she contribute her share in every conflict that disturbed the nation's quiet; and to her is due the honor for commanding the unfaltering loyalty and devotion of the negroes, those poor unfortunate children of the tropics, whom Fate had forced upon the South. And yet these slaves in their shackles loved her more in those "good old days" when "young missus" taught them the simple story of Christian hope than their more fortunate descendants will ever be able to comprehend. Such women as the cultured, yet kind-hearted Dolly Madison, the patient Rachel Jackson, the devoted Sarah Polk, the noble wife and mother Eliza Johnson, trained these unfortunate sons of Ham to reverence and devotion and pointed them to the God who guarded and guided their destiny and who had fixed their station amongst the races of mankind. And it was this training and this love and respect which caused the faithful old darkey to remain by the fireside of his master, the sole guardian of his home and loved ones while the master went forth to answer the trumpet's call which summoned him to the conflict in an effort to forge a saving link in the bonds that bound his servants' hands Did humanity ever display a sublimer heroism than when these worthy wives and mothers and maidens bade their husbands and sons, fathers and brothers unsheathe the sword or shoulder a musket and go forth to defend their beloved Southland, while they were left to hazard their lives to the mercy of a people for whom the conflict was being waged? Yet did they falter when the last youth was called away—a mere lad of sixteen years, perhaps—whom Fate must try in the very fires of hell, or toss into the yawning jaws of death? No, with the same fortitude and the same courage which had characterized the sacrifices and sufferings of their mothers, they stood the test through fire and bloodshed and butchery; and when the sun dispelled the enveloping shadows and the din of battle ceased, these sturdy sons of the South returned to find their homes destroyed, their slaves set free, their fortunes dissipated, but—the redeeming glory of all—they found that the flower of faith and virtue had endured the wilting blasts, and that the hearts of their wives and mothers, sweethearts and sisters still beat with a lasting hope. Their eyes danced greetings, while their lips uttered messages of welcome and prayers of thankfulness that Providence had spared

even a remnant of those who had departed. Kind, unfaltering hands performed the last service to the honored dead, helped to ply the ill-fated boat of Fortune around the whirlpool of reconstruction, and then with renewed hearts, resumed the task of building again the altar that had been desecrated but not defiled.

How well they have succeeded requires but a glance. Today the South stands forth the unchallenged champion of Liberty and Democratic Government, the proud representative of the purest strain of Anglo-Saxon blood on the Western Hemisphere. Her daughters are the sweetest and fairest the sun shines on. The spirit of chivalry yet beats in her bosom and her sons can not rise to action quicker than when called to defend the honor of her daughters. The woman of the New South still drinks from the same old fountains of wisdom and devotion that quenched the thirst of other generations, and it quickens the lifeblood which leaps and bounds through her veins and imparts the rich glow of health and beauty to her cheek and gives the clear, keen luster to her eye which graciously blends with the smile that falls from her face as, blushing and modest, she acknowledges the reverential regard shown her.

Nor is dear old Burritt without her bed of daisies, her bunch of American beauties. And we rejoice today that we are honored with the duty of ushering into the drawing room of life one of Burritt's fairest representatives.

Yet, it is with a pang of regret that we approach the parting of the ways. We know and we feel the worth of this, our sole representative; and we know, too, that the place she leaves vacant must remain so, for no other can fill it so well and so faithfully. Miss ——, you have been an excellent student, a true and trustworthy friend, a loyal and devoted Calliopean. No higher compliment could escape my lips. With just pride in your achievements here and with equal confidence in your ability to meet the new and more practical problems of life, do we send you forth to bless the world and enrich its real joys with the perfect purity of your presence. No worthier daughter of the South e'er trod her sacred soil or added more grace and worth and merit to her multitude of noble women. And let me add that, as a woman was the first to be entrusted with bearing to the world the message of a risen Christ, it is peculiarly befitting

that we should note that a woman is to be entrusted with bearing the message that old Burritt has cast off her garments of sack-cloth and ashes and that our own beloved Calliopean Society has risen in all the glory of the past, and a single star still shines forth from that old banner beckoning all to find peace and rest in the shadow of her silken folds.

(Here Miss —— rises to receive the diploma.)

And now as I hand this parting token to you, I falter and half wish somehow that it were not so. But the prize is well earned; we can serve you no longer; the voice of the future calls and you must be no longer detained. Take this diploma, Miss ——, as a feeble tribute of a beloved band, and forever bear in mind that the best wishes and earnest solicitation of each individual Calliopean follows you into the walks of life, and that yearning souls are left behind whom you have helped, and who will strive to emulate your worthy example.

(Turning to audience.)

And now, with a heart full of love, I turn to take leave of you, fellow-schoolmates and friends. We have all worked together in a common band. Whether or not we have done duty's bidding must be left for the future to determine. With deep regret am I forced to speak this parting word, but let us struggle earnestly and unceasingly for the laurel of success and our efforts will be crowned with a glorious consummation equal to that for which the heroic daughters of the South have paid the price.

April, 1907.

Child Epigrams

If you should die with a lie on your lips,
The devil will catch you in his clips.

When you are about to tell a lie
Think of when you have to die.

When you start home from school,
Do not stop on the road and fool.

We should work with all our might,
Until our souls shall take their flight.

Laziness will enter every man's door
That will let him lie down on his floor.

Our names are written on the pages of time,
And we should make our lives sublime.

If you often deceive
You will cause your friends to grieve.

It is easy to get into trouble,
  But hard to get out;
Therefore we should always know
  What we're about.

The thief of time is creeping along,
Doing all he can that is wrong.

Those who will hold themselves up level,
Will never be led astray by the devil.

April, 1893.

Birthday Reflections

The proud and venerable Father Time,
In all his grand and wondrous mien,
My years hath numbered, and Nature's chime,
Doth herald the age to me sixteen.

Yes, sixteen full and happy years,
The time that life has all its sweet,
The time bereft of grief and fears,
The time that I no foe should meet.

Oh! could I again this time enjoy,
And play around my mother's knee;
But once again, with naught to annoy,
While my young heart o'erflowed with glee.

Could I but stay the course of years,
In which, ere long, I'll launch my bark,
A sea of boundless flowing tears,
A gulf bereft of youth's bright spark.

And back into youth's paradise
To paternal admonition list,
Through which I learnt to hate low vice,
And Satan's tempting wiles resist.

Upon this bright November's day,
As I stand upon life's broad threshold,
I hope that God in his goodness may
Withhold me from temptation cold.

For me today a wreath of flowers
May tomorrow be not a crown of thorns,
But while I pass these golden hours,
Let me be spared the world's cold scorns.

Let not my loving parents' gold,*
In vain be spent on reckless youth,
But may they in delight behold
In me unbounding love of truth.

*My parents gave me a bright new gold coin for my birthday gift. November 4, 1901.

NOVEMBER 4, 1903.

(Written on a Birthday.)

Halt, fleeting years! Why haste ye on?
Can eighteen summers have come and gone
Since I first say the light, and pressed,
A new-born babe, my mother's breast?
Ah! 'tis not now as once it was,
When years like ages to me seemed—
Those years when childhood days
Were years themselves. 'Twas then I dreamed
The time when I a man should be,
Enjoying pleasures rich and rare—
But now the sad thought comes to me,
Those halcyon days I no longer share;
But to stern reality and toil a slave,
I think in vain and haste on toward the grave!

TWENTY.

What! No music in my soul tonight?
Come, my Muse! Once more thy service lend!
Come, and in thy gentle grace commend
Thee to my heart—one simple verse indite;
Smite with all thy gen'rous might the chord
Which stirs my soul to act when thus demurred
By Fate's mixed cup of good and ill.
I stand and view with eager eye and mien
The e'er receding sails on youth's gay tide.
Swift tears bedim my gaze—I see them glide
Away, each bannered bark, each hallowed 'teen.
Alas! They're gone! O careless years sublime.
But list!—The Siren sings—the silver chime
Of Hope doth yet my bosom swell.

November 4, 1905.

Whither go ye forth, my Soul?
What errand has thou hence;
And why make haste to roam
In solitude the airy main?

Companions hast thou not?
Nor ought to full requite
Thy joy and rest and peace with me?
  Alas! Too empty hangs the bowl
I know, in there from whence
  Thou came—no longer home,
Where regal hope did proudly reign
Which ne'er can be forgot.
So yonder wing thy flight
And bear my message safe with thee.

November 4, 1906.

I.

Man—man—What is he?—has he been
Time's tool and toy tost to and fro,
Plaything of all the winds tnat blow—
Clay-wrought and weak, which makes the whole world kin.
He lives, he longs, he langhts, he cries,
He works, he wins, he wanes, he dies—
Earth takes him back but one more breathless clod.
But hark! What voice, what music meets my ear?
What varied medley stirs my soul?
What vision do my eyes behold
Which robs this dire reflection of all fear?
The voice cries, Hail! Life's worth the living;
Behold the world rich joys giving—
Thine eyes look on the handiwork of God.

II.

I yield my fancy to this strong appeal,
With eager courage turn and listen,
And wonder, as I see life glisten
Gladly, grandly, what doth gently steal
Into my soul, there to impart
A thrill of feeling to my heart,
Unlike the evil load which weighed it down.
And then about my presence loomed the light
Of former years, now twenty-two,
And 'cross their firmament there flew

My guardian angel's form—most blessed sprite!
My soul was rapt—she waved her wand,
The Future closed, and benign her hand
Placed on my brow the Present's sovereign crown.

November 4, 1907.

Doubt thee, sweet Angel, Guardian of my cares?
Doth fagging faith seem recreant in my breast;
Doth faltering Hope steal o'er me unawares,
Or joy of spirit lack in zeal or zest?
No! I pause, perhaps, and like a child,
Look up to be more certain that thy palm
Rests o'er me as I wander through the wild,
And guides my steps in paths of peace and calm.
I know that I shall ne'er forsaken be
If truth and courage guard ambition's fires.
For this dear sprite, "my faith looks up to thee,"
And thanks thee that thy patience never tires.
While three-and-twenty years have by me crept,
A ceaseless vigil hast thou o'er me kept.

November 4, 1908.

Again, my comrade, never-failing Fate,
I grasp thy hand on Life's eventful shore—
A boon for four-and-twenty years, or more,
Of mine—a constant privilege to greet
An ever-watchful eye, a guard, indeed—
A friend I've reckoned thee in hours of need,
And met thee face to face from day to day.
Indulgent thou hast been, I must agree,
Though careful hast thou writ on Duty's scroll
Each thought, or calm or tempest of my soul—
On which must rest thy last but sure decree.
My deeds are mine, and I approach thy throne,
In doubt, perhaps, but boldly and alone,
To wait thy judgment, Hope's last glimmering ray.

November 4, 1909.

What's this! A bill for five-and-twenty years—past due?
Let's see—five-and-twenty years of time I've spent;
So this was not my time? I see, 'twas only lent,
Or placed in trust with me—O, yes, I take the cue!
'Twas but a lease, for which I might account the rent
In deeds of worth, or merit shown. Alas! how few
The credits are in deeds well done, or even dared.
A Century's fourth has passed, a Century's fourth of play—
And now, O God, to Thee beseechingly I pray,
Forgive the empty years, and let Thy grace be spared—
Renew the lease, and grant still yet another day
For real service ere Thy judgment be declared!

. . . . . .

'Twas heard! She comes! The fairest, purest of all the land,
To guide, to guard, to cheer me with her sustaining hand.

November 4, 1910.

Twenty-seven years on the billowy deep
Of Life's good and evil hath my soul been adrift,
Lab'ring and losing, till my heart could but weep—
Working and winning now, as the struggle would shift.
Varying oft-times the battle would be
While fate and fortune were with or 'gainst me.

But I am just one of Fate's countless toys—
I am but one who with earth's pains and joys
Must contend through the years, long or short, as may be.
I am lost in the ebb and the flow of the tide,
When the millions of my kind, like the sands of the sea,
As numberless and vast as life's ocean is wide,
In common combat contend till eternity's shore
Is brought to the vision of each soul as it strives
For the goal of reward that will stay ever more,
And the rest which they restlessly sought all their lives.

Should I lose in the struggle (though I'll keep up the fight),
I'm but one of earth's creatures whom the world will not mourn;
Should I win, what's the winning—individual respite,
When the victory's measured by earth's balance of scorn.

Whether winning or losing, with small praise are we blest;
  Insignificant is each in the multitude vast
Of our world's helpless creatures—North, South, East and West.
  With the tide, all are tossed, some first and some last.

But stay, O my soul Cease now thy musing,
  For in Heaven there dwells One who notes e'en the fall
Of the sparrow; and let not thy plight find excusing,
  But rather give heed to God's holy call.
In the hollow of His hand will he hold and help thee,
In the goodness of His grace will he guard and keep thee,
If duty be thy path, however humble;
Nor will he permit thy steps to stumble.

November 4, 1912.

For half a score of years or more
My Muse hath wrapt my soul in song
To celebrate my natal date,
November four.
And as I sang, my rythm rang
Sometimes in anthems calm and clear
At duty done and victory won.
    O blessed day!

And sometimes rhyme would fill the time,
And days of laughing levity;
Forth would I steal and so reveal
A simple soul.
Yes, sometimes 'round the verses wound
A chord of sweetest melody,
Rich and rare, free from care.
    O glorious fate!

But sometimes, too, the day was blue
And the song was frought with fear.
No path past o'er, the steps before,
  God guide my feet.

Sometimes my heart would feel the dart
Of disappointment pierce it through;
And faint and weary, in dark and dreary,
Seclusion sink.

Today the ills of sadness fills,
My soul o'erwhelmed and groping
For the light of love that comes from above.
O Heavenly boon!

Come! Come! O my Muse! and soothe and suffuse
With joy my soul in travail beseeching.
Return with the years, but not with the tears.
O natal day!

November 4, 1913.

Miscellaneous

AUTUMN.

Hark! Listen to fair Autumn, who
Has donned herself in robes of scarlet
And hues as various as proud Nature's
Art could devise. Now the joyous notes
Of bird-song give vent to noisy rustle
Of leaves, while Nature prepares to
Unrobe herself for her winter's sleep,
When Heaven itself hovers closely o'er
And spreads her crystalline mantle
For protection to earth and her many
And marvelous God-given beauties.
Now the happy summer songster ceases
His merriment, and together with
His sagacious mate prepares to hibernate.
Now the shrewd squirrel no longer chatters
Among the branches of his lofty tree-house
Or quarrels and frolics with his merry mates,
But is busy gath'ring and laying up stores
For sustenance through long wintry days.
Now the giant oak spreads his bare arms
To Heaven; the tall, majestic pine
Is seen to reel and rock before
The mighty gust of Autumn's wind,
Whose sad song sounds so heavily
On the ears of slumbering beings when
Gloomy Night has donned her velvet cloak.
The tall persimmon groans with its
Great burden of glad and merry opossum
Grinning over a feast of lucious fruit.
The sprightly hare seeks some safe shelter
Among the shelving rocks of Nature's
Tow'ring bluffs, or takes sweet refuge
In the fallen body of some king of forest.
The whirring partridge gathers his
Speckled brood together in their abode
Among grassy plots, or in fields of rye;

The rambling swine prepares his bed
From the fallen robes that decked fair Summer's
Entrancing charms and beauties rare.
The fearless eagle withholds his great
And lofty soaring. With earth he's content.
The busy ant completes its task
And enters its earthy dwelling to feast
On the abundant stores of its summer's toil.
The happy farmer bundles together
The silver blades, and plucks with joy
The golden ears of corn to fill
His capacious barn, and then exults
Upon the abundance of his crops.
He may then enjoy the sweet comforts of
His small farmhouse o'er which he's lord
And ruler. He sits by the glowing hearth
While list'ning to the merry frolic
Of unmindful, mischievous children,
And enjoys the smiles of his shrewd companion.
The Sun, in his majestic brightness,
With pleasant, splendent smiles doth greet
Us when fair morning rouses the stars
That silver the purple tent of dewy night,
And lovingly smiles a fond good-day
As he fades from view at eventide.
All Nature prepares for winter's chill
And plainly to all men doth tell
That God is King of earth and Heaven
And strives to make all blessings even.

APRIL THIRTIETH.

(Written on the birthday anniversary of a friend.)

Blessed day! Oh, blessed day!
  Entrancing in thy very mien,
Await! Flit not! Flee not away,
  Till all thy glory hath been seen.

Ring forth, ye notes of joyous song,
  In jubilant strains of music praise,
Crown her fair Queen among
  Endearing Nature's gala-days.

May many years bring peace and joy,
  And health and happiness supreme,
Instead of gloom, Life's cold alloy,
  Enwrap her soul as 'twere a dream.

Could I possess the poet's art,
  Or even pen one fitting line,
Contributing a feeble part
  Kindly lent by a power benign
Rising from the sacred shrine
  Of love and sweet remembrance;
For her I'd write a verse sublime,
  To her fair name, a mete semblance.

April 30, 1903.

CHRISTMAS GREETING TO A FRIEND.

Kings, princes, emperors, earth's sovereigns great and small,
Around the banquet board assemble one and all
To glorify and praise the name of one whose birth
Hath hallowed this a day of consecrated mirth;
Even too within the peasant's humble cot,
Revelling rings the voice of each wee tot
Yielding richest praise as permits his humble lot—
'Neath Heaven's canopy, from Christendom's utmost bounds,
Elated everyone; the earth with joy resounds.

Joy supreme would crown thy every hope, dear friend,
  Every day thou liv'st a holiday would be,
And every hour a bright new blessing send;
  No care, no pain, could I but will it thee.

December 25, 1903.

(Upon presenting a small gold star, the emblem of the Calliopean Literary Society of Burritt College, to a friend.)

Blessed is thy light which gleams,
Exiled, from such a firmament
As Fate hath chanced to thee, my Star—
Too rich for earth and mortal eyes.
Rare universe of smiles and dreams,
In which seraphic charms are spent,
Confines thy modest rays; and here
Enveloped all thy glory lies.

(Written upon receipt of a beautiful rose from a friend.)

Most lovely Rose! Thou emblem pure and sweet
Of Love, of Joy, of blest Prosperity—
Thou symbol of a friend's sincerity,
I gladly thee and thy rich blushes greet.

How blest has been thy Fate, and yet how mean;
First plucked to grace a Fairy's queenly crown,
While now to this unworthy hand cast down
Thy crimson flush betrays an anguish keen.

Yet, still the queen of flowers wilt thou reign,
Though Fate must ne'er permit thee 'gain to flourish
In thy most envied place, yet will I cherish
The more thy sovereignty—my present gain.

(Written to my mother.)

With joy I greet thee, mother dear,
And love, on this thy bright birthday!
How much I wish I were anear
That from thy beaming face a ray
Of tender love might pierce my heart,
And quicken once again my childhood dreams

Which life can never more impart!
I would I could but press one kiss
On thy soft, rosy lips this day—
Regale thy thirsting soul in bliss,
While fond caresses o'er me play.
May many more birthdays be thine;
May many a sun in glory shed its beams
On thee to match thy grace benign.

February 27, 1905.

(Upon receipt of a box of candy from a friend, now my wife, when convalescing from a spell of illness. It might be appropriately entitled, "The Beginning of the End.")

My Dear Miss W.:

Tell me, can tongue or pen, can word or deed
Portray the gratitude to thee
I feel for thy SWEET gift—an ample meed
To soothe the sorrow of a soul like me?

Enduring friendship! Ah, most blessed boon,
Which earth's with Heaven's joys blends;
Time runs its blissful course too swift, too soon—
Poor mortal he who has no friends.

April 28, 1905.

TO A ROSEBUD.

(Received from a dear friend.)

Sweet, fair, fragrant flower,
Cull'd from out thy bower
Of budding beauty.

Whence comes all thy fragrance?
Through what simple vagrance
Chanst thou hither?

Thou dost tell a story
In thy crimson glory
  Of thy origin.

Closed within thy clay
Lies a thousand relics
  Of angel kisses;

Buried neath thy petals
Love's sweet life-glow battles
  For revelation.

Oh! thou sweet love symbol!
Watch the light-rays gambol
  In gay flirtation!

Bid them come yet nearer—
Make their voices clearer
  In their love song.

Now I see thee open
In full bloom, a token
  Of thy rapture.

Oh! what richness dwells there!
Purest love instills here
  Its glad exotic.

Now thy blushes wily
Steal forth gently, shyly
  From thy pure bosom.

Toss thy head—it pleases
All the passing breezes
  To waft thy fragrance.

Let thy perfume scatter,
Love knows it's no matter
  In what profusion.

Drink night's dewy shower,
Love's most perfect flower;
Thy health replenish.

Shall I stop to name thee?
Dare not I to blame thee,
My blushing ROSEBUD.

May 2, 1905.

(Written upon receipt of a beautiful bouquet while at St. Thomas Hospital, following quite a serious operation.)

I bid thee welcome, gentle guests,
Thy whole gay company I gladly greet;
Within each fragrant blossom rests
A soul of grace, tender, calm and sweet.

What! Another soul encompass thee?
Ah, vainly doth thou try thy boon conceal;
Thy emerald cloaks would hide from me
The "Beauty" crimson blushes do reveal.

Each tinted petal wears a smile,
Each leaf of fern doth waft a kiss most rare;
—But, tarry all with me awhile,
For gift without the giver's always bare.

July 18, 1908.

(To B.W. upon receipt of a birthday gift in the shape of a pair of handsome house shoes of bright vermilion, hand knit.)

You've heard, I'm sure, of the "Scarlet Letter",
And all the things that good old Hawthorne wrote;
Of this and that and things far better,
Done here and there and corners more remote.

But I've a story which I **must** tell,
Matters not what other folks have done or said,
Though it knock old Sherlock Holmes pell-mell
From his "Study in Scarlet" to that of mine in Red.

It's a study, too, profound and deep,
It would, I know, a Ph.D. perplex—
Or cause a Chinese stiff to weep,
A Billikin his awry smile to vex.

My study deals with a girl and boy—
Not lad and lass, nor youth and maid—not that,
Nor "kid" nor "kiddo"—well, don't annoy
Your brain with details of what I'm getting at.

Just a boy and girl, as I have said,
(No better chums the soil of earth e'er trod)
Naught more makes up my "Study in Red",
Except the soles with which his feet were shod.

Poor Mercury! A tear I shed
For thee—pray look not thou with baneful eye
On me. Well know I how thou sped
With winged heels and soles. (Well dost thou sigh.)

No longer canst thou keep thy speed
To fetch a message 'tween fair maid and swain.
But lo! console thyself and heed
The truth that thy great loss is another's gain.

For list! This girl of whom I spake
Betook herself a blood-red yarn to knit
For her boy's sole and selfish sake—
Thy wings art clipt—this boy in Red is "It".

November 4, 1909.

THANKSGIVING.

Awake, Columbia! Fair Queen, arise!
Aurora, smiling, peers o'er the Eastern hills;
And from her glorious face there gently steals
A radiant gleam of gladness 'cross the skies.
Majestic'ly sublime she doth appear
As from the azure deep she draws anear,
With joy to greet thee. Hark! What doth she say?
Hail, blessed Queen of a rich and fruitful realm!
Behold! The smile of Heaven o'er thee reigns;
Nor lack of bounteous increase yet remains
To mar thy praise of Him who guides the helm
Of thy fair Ship of State. Arise, extol!
For God himself has signed the protocol,
That this shall be thy glad Thanksgiving Day.

November 24, 1904.

CHRISTMAS.

Christmas-tide! O happy, holy hours—not days—
Hours, indeed, too fleet of foot, too swift of wing,
Rising from that ether clime where gladly sing
Immanuel's choir in chorus fraught with notes which bring
Sweet "Peace on earth, good will tow'rd men" in magic lays!
Triumphant swells each human heart in jubilant glee;
Myriad are Love's tokens on Love's altar free;
And many hearts of sorrow melt in jubilee,
Soothed from sadness by kind deeds that live always.

1905.

THOUGHT.

A Thought! What is a thought? Yes, whence and where and why?
Whence doth it issue; cans't thou tell, O Sage of Years?
Where finds it yet repose, O Poet of Joys and Fears?
Why doth it come and go, Philosophers and Seers?

This puzzle we commit. Be quick! Assay to speak.
Ah, doth it come to man alone, or creatures all;
And doth it fill alike their souls with milk or gall?
What is its mission? Pray, what doth it save or seek?
If but to Man alone, why doth it him befall?
To tax his nature's best—Creation's climax weak?
First, Hoary Wisdom speaks: "Thought issues from the brain,
Begotten by the heart". The Bard: "Thought doth gain
At last Elysian bliss, or's lost in Stygian pain."
Then Calm Philosophy: "This Thought—There is no Way!"

January 30, 1906.

ON THE BURNING OF BURRITT COLLEGE, MY ALMA MATER.

Time! Fate! Doubt who may their power!
Alas! But cringe thou wilt in Time's dark hour,
And yield thou must when Fate's swift hand doth low'r
With vials of wrath—destruction—clinched to pour
Upon thy head in silent, quick succession;
Nor doth he pause till low on earth thou'rt laid
A victim, spoil until his glutton fury's staid.
Oh, Time! Oh, Fate. Why serve this bitter bowl
Of sorrow, anguish, tears to every soul!
So fondly bent to love our Burritt's cowl
Now torn and seared in sacrilege too foul
To be condoned in words of mean expression!
Thus doth my troubled, heart-sick spirit burn
And sadly sigh o'er Burritt's trammeled urn.

ON THE REBUILDING OF THE SAME.

Time! Fate! Doubt who may their power.
Exult! Rejoice thou wilt in Time's glad hour;

And calmly yield thou must when Fate doth low'r
His hand with vials of grace to gently pour
Upon thy head in peaceful, sure succession.
Nor doth he pause until on high thou'rt raised
A monumental glory on his altar praised.
Oh, Time! Oh, Fate! Com'st thou to serve this bowl
Of overflowing richness to each soul?
Renewest thou the fondly cherished cowl
To dear old Burritt's brow, with hands not foul—
A thing to me too deep for mete expression?
Thus doth my joyous dreaming spirit burn,
Then I rush to Burritt's gay, replenished urn.

March 28, 1906.

Nature

Dame Nature's sounds, how grand they are
In Summer's joy and Winter's blast,
In glorious Spring and Autumn fair,
In seasons all from first to last.

Each season has its singular mood,
Each has its own great wonders rare;
It seems that o'er each one is stood
A ruler who presides with care.

O'er his respective beauteous realm,
When time to each doth come in turn,
And with careful nerve to guide the helm
Lest Heaven should his labors spurn.

Gay Spring is welcomed everywhere
With his refreshing breeze and showers,
As he clothes old earth from Winter bare
With emerald robes and smiling flowers.

The violets blue then gaily peep
Like Heaven's blushes fresh from God,
And winding woodbine 'gins to creep
And lady slippers their heads to nod.

There's dandelions beside the brook,
There's buttercups amidst the glade,
There's honeysuckles in every nook,
In fact, the earth with gems is laid.

Beside these fragrant angel smiles,
With glorious bird-song all's aglee;
It seems that fresh from God there files
Ten thousand merry songsters free.

The sun in wondrous splendor shines
From his celestial orb afar;
Aurora calmly o'er earth reclines
With breath afresh with dewy air.

The squirrel in merriment gaily leaps
From bough to bough in his leafy home!
The bee the blossoming bower sweeps,
And rambling swine o'er hills doth roam.

The happy farmer gladly speeds
With horse and plow the land to shape,
And then rejoicing sows the seeds
In hopes he will abundance reap.

And now from every field there springs
A coat as 'twere, of emerald hue;
At dawn the plowman's voice loud rings
As he goes to work through morning dew.

The swollen streams rush madly on
Down mountain sides and through the dale;
Their pearly ripples are here and gone
To the clamorous sea to tell their tale.

The May Queen's crowned with a gorgeous wreath
Of fragrant flowers from off the dell,
On each is blown sweet angels' breath
When they as smiles from Heaven fell.

The lowing kine in meadows green
With pleasure bite the growing grass;
The sprightly lamb is gamboling seen
As amidst the flock we see him pass.

The cooing of the gentle dove,
As he meekly woos his feathered mate,
Is scarcely blended with warmer love
Than when glad Spring does all elate.

Ecstatic rapture doth entwine
The hearts of all in joyous Spring,
For his great Ruler stops to dine
With every peasant, lord and king.

And finally, when his joy hath ceased,
  Sweet Summer, like a Fairy Queen
Comes donned in robes as to a feast—
  Soul-thrilling in her courtly mien.

She gives new feeling to the world,
  She animates the very flowers;
And as her banner is unfurled
  The hope of all to Heaven towers.

Fair lovers linger neath the shade
  Of some gigantic forest tree,
While whispering tales of love inlaid
  With feelings of devotion free.

They wander o'er the grassy hill,
  Or through the verdant meadow sweet,
By peaceful streams which gently steal
  In seeming laughter at their feet.

And myriad birds to them doth sing,
  Their souls enraptured in love's story;
The flowers along their path doth fling
  Sweet fragrance to them wrapt in glory.

And while sly Cupid's harmless darts
  Them to each other closer bind,
Sweet Summer's king instills their hearts
  With purest love and graces kind.

While gentle zephyrs fan their cheeks,
  All stamped with love's exuberant kisses,
As if at once he happily seeks
  To seal in rapture all their blisses.

Sweet Summer comes imparting joy,
  And hope alike to young and old,
While teaching all their skill employ
  To lay up goods for winter's cold

The farmer goes forth with his reaper
To mow the fields of golden grain,
To glean the profits of his labor
For which he toiled in sun and rain.

Sweet Summer's exit all doth fill
With a sort of half heart-broken sigh,
For then 'tis known that Winter's chill
Ere long will sever each sweet tie.

That binds old earth to pleasant dreams,
Refreshing joy and kindly mirth;
Still Autumn rich with beauty teems
And gives a lovely tone to earth.

She comes in robes of beauty donned,
In pink and yellow, green and brown;
Soul-thrilling in her manner fond
As if from Heaven she hath flown.

An artist, through her wondrous skill
She touches earth with her tinted brush,
Imprinting a picture which doth fill
Old earth with rich and glorious flush.

An able servant is named Jack Frost
Who promptly heeds his mistress' call;
His frozen gems of dew are tossed,
Imparting beauty wher'er they fall.

He comes in the still and silent night,
While the stars are glittering in seeming glee.
And the Autumn moon full-orbed and bright
Laughingly watches, but flees to the sea.

When morning's sun doth clear away
The shadows with his flood of light,
Revealing a glorious change in array
Which Nature donned through Autumn's might.

The giant oak is in scarlet dressed,
The towering maple an orange hue;
The evergreen alone is blessed
With guise to Spring and Summer true.

The Summer rose doth lose its breath
When Autumn's king the scepter wields;
But all in turn must meet its death,
In shiftless ease or labor's fields.

The flower's death is but a sleep
Which wakes again to brighter bloom,
For Autumn with a kindness deep
Preserves it from a greater doom.

Sweet Summer's fields of waving corn
Are ripened through fair Autumn's care,
The golden ears may then be borne
In triumph safe from Winter's flare.

Yes, Autumn's king—how sweet the thought,
For prince and pauper doth prepare
The cup of peace and plenty sought,
Through love and labor, full of care.

And when gray winter, chill and bleak,
Puts on the crystal robe of power,
All Nature wrapt in white doth seek
Repose when dreams enshroud each hour.

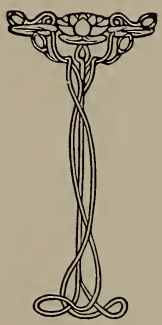
But after all old Winter's king,
Possesses virtues great and grand;
And vigor he doth always bring,
And peace and quiet in his hand.

Then peak and cliff and hill and vale
Are wrapt in crystal robes of snow;
And Nature's clad in his coat of mail
From the heights above to the plains below.

Though winter has his chill and cold,
No greater stores of joy abound,
In all of Nature's grandeur bold,
From Spring's glad lay to Autumn's sound.

Oh! could earth make a wiser choice
Of blessings rich than now are given,
Let every creature loud rejoice
And shout his praises back to Heaven.

November, 1901.



Monologue---Diegro

(Read at Burritt College.)

(Scene: A mountain in Mexico.)

Ah! Alone and in solitude—
Yet, I am not alone,
For there is One in whom
The whole vast universe
Has infinite companionship;
And these huge crags and peaks,
From Nature's touch most beautiful,
'Twould seem should sweetly render
Solitude itself not solitary.
Yet, why doth it not me,
A fugitive from justice,
A wretch for whom it would
The fitter be by far
The gloomy haunts of bats
And owls and divers other
Wierd creatures—spirits dire—
To be infested by
My accursed guilty presence;
But hold, avengeful passion!
A stranger I perceive
Is journeying this way—
A hunter most perhaps,
And fresh companion to my woe.
Could I but chase the sinful
Burden of my conscience
From his impregnable lair
As this one man doth chase
The fleet-foot antelope
From his rock-bound fastnesses,
No happier mortal lived.
Alas! He descries me—he speaks
And asks why I am here.
Ah, Stranger, why ask you that?
To inflame a deeper torture

Within my anguished breast—
To forge the lasting link
To my eternal doom?
I would not answer you,
But, alas! there's something that
Deeply in my soul
Doth bid me to relate
My dark and fateful story.
Ah, listen, stranger! Listen!
I now must speak it—now—
Oh, Heaven! That I might
Withhold my tongue from utt'rance!
Yet, it will speak to Fate
Obedient, and tell
That which must be spoken.

I am Jose Diegro,
From far-off Spain I hail—
A more accursed wretch
Ne'er disgraced so fair a land.
I was blessed with noble blood;
No kinder, gentler parents
E'er breathed Iberia's atmosphere.
'Twas there I learned while young,
A glad, free-hearted youth,
To love a maiden fair,
She, too, of noble lineage.
I loved her—did I love her?
Aye, to maddest desperation.
Little dreamed I then
The harvest to be gathered
In the future days to come
From my innocently sowing
Sweet love's uncertain seed!

Oh, Veronna! dear Veronna!
How could you, yes, how could you
Have broken—blighted—doomed
A heart that beat for you,
And cast into oblivion's gloom
My burning love for you?
Pardon, stranger, my emotion,

For I stifle to recall
Those happy youthful hours
I spent alone with her
In fond anticipation,
But to perceive in these,
My sorest hours of trial
Their dreadful counterpart.
In dear old Spain, we two,
Under the same blue sky,
Yea, almost, I should say,
Under the same roof
Were born and reared together,
I scarcely a month her senior.
Around the same glad hearths
We often listened to
Our dear fond mother's voices
As they rehearsed to us,
In childish innocence
Attentive, some story filled
With startling deeds of romance,
Of chivalrous Knights and Heroines—
Lovers who dared to do
Or die for Love's own sake;
Or entertained us with
Some myth or Fairy tale,
How men were borne away
In ancient days to realms
Celestial to partake
Of the myriad joys of Fairy Land,
Or victims of their dire displeasure,
And how the allwise gods
Of Hellas and of Rome
In their almighty hands
Held fast the sword of Destiny
And meted to man his fate;
They told how hearts and lives
Of gentle lovers, into
One heart, one life, one joy,
They fixed and bound together,
Or severed through their will

And cast apart forever more.
And as we romped and played
On meadows green, or hand
In hand strolled o'er the hills
And through the woods alive
With glad'ning notes of song—
The warble of the brown-winged thrush,
Or the morning anthem of
The merry lark—to which
Our joy gave vent
In soft, melodious echoes
From our glad and cheerful hearts
In strains of childish song,
We imbibed the spirit of
Nature rich and beautiful,
Quaffed to our Soul's content
The nectar of youthful bliss,
And drank to our heart's o'erflow
From Love's regaling fountain.
And as we used to chase
The light-winged butterfly
From flower to flower, from leaf
To leaf, so did I chase
The fleet-winged phantom—Hope,
To the verge of desperation,
Ne'er pausing at the brink
To behold the utter chaos
And woeful desolation
One maddening leap would bring
Me to, to suffer
Eternal rack of conscience,
The certain knowledge of
My everlasting doom.
I ne'er bethought me
When in other days,
We plucked the blushing rose,
That 'neath the tinted petals
Were thorns to prick our hands.

Ah! now it seems to me
These thorns were but to warn

Us—no, 'twere better said
To warn but me alone—
Yet, indeed, 'twas both of us,
For after having sipped
The soothing beverage
Of hope and joy, we drained
The cup to the pois'nous dregs
Of woe and disappointment;
And love to me is indeed
A cloak which hides the thorns
On the Tree of Life to mock
Mankind's infirmity;
Like the rose, it vanishes
And leaves him to bewail,
Till death steals in and robs
Him of his anguish but
To load him through eternity
With a deeper fit of conscience.
Good stranger, why look you thus
At me? Think you I'm mad?
Have you divined my secret?
You surely can not be
An officer of the law
To so early trace me hither?
No, that you can not be;
E'en a dog would refuse
To trail a grov'ling piece
Of clay like me to this
Fair spot in Nature's Paradise.
Yes, a devil would disdain
The thought of coming here
Where I have dared to come—

Good stranger, pardon my confusion,
For here I must relate
That part of my dark story
Where 'twould be easy more by far
For me to die than tell it.

But to some hidden power
Obedient, I will proceed.
At sixteen years of age

They sent Veronna to
The Capital, Madrid,
To gain a better vantage
That would befit her rank
And standing most. While here,
She met with many wealthy Dons
And royal dignitaries,
All which contrived
To estrange her from the home
And loved ones of her youth,
And, as I thought,
Forgot the one who spent
So many happy hours
With her, whose life became
A part of hers, and whose
Whole being came to be
A consuming thought of her—
That one who lived for her,
And only her was no
One else than Diegro.
But alas! she forgot,
Among the many Senors
With whom she chanced
To become acquainted was
One in whose veins did course
The blood of proud nobility,
The only son of a nobleman,
Possessed of wealth untold,
The son of Senor Don Morez,
Which name you know full well,
For in his realm he owned
A vast estate with its
Rich mines and haciendas.

Her wondrous beauty charmed him—
He loved her, wooed her, won her.
His wealth, his pride, his love
Quite overcame her—yes,
And warmest love was soon returned.
All former ties she severed,
All former plights she broke,

All former vows she loosed.
In something like two years
The noble Senor breathed his last,
And his fortune passed to this
Proud son, now Senor Don Morez.
'Twas then my sweet Veronna
Became his pledged affiance.
They married—stranger, I
Do stifle to recall it.
When news was brought to me
Concerning them, I well
Remember how I raved
And tore my hair and swore
Eternal vengeance; how
I swooned in my vain fit
Of woe and desperation.
My fondest hopes had fled
My life was sorely tortured;
I had sipped the bitter gall
Of disappointment.
I had but one more thing to do—
To execute my task—
My mission of revenge.
My soul was crushed—
My frenzied brain refused
To ask a sweeter vengeance
Than the dreadful one of death.
That vengeance has been reeked,
My long sought mission's now
Performed, the end I now await.
I sought in various ways
To deal the blow while they
Were yet their nuptial honors
Merrily celebrating;
My plans were thwarted,
But my mind was fixed—
The thought of home and Heaven
Moved not my hardened heart.
All trust in human kind
Was lost to me forever.

New plans were formed,
New efforts proved in vain.
At last I heard with joy
That they were soon to sail
To make their home in Mexico.
I learned the boat on which
They had secured passage,
I, too, went on the ship.
At last we sailed, but I,
Instead of being full
Of courage as I'd wished,
My heart in terror shrank
From the dreadful deed my mind
Had contemplated and
Half melted with fear beneath
The gaze of my beloved.
She seemed to divine in me
Some lurking demon of crime
And made me almost think
She apprehended my designs.
When near the shores of Mexico
I sought one more attempt
To strike the fatal blow,
But when the time was ripe
I cowered like a cur
And let the chance go by.
Oh, cursed man! Thou wretch!
Thou weak and groveling worm!
Created to think, but with
An instinctive dread of thy thoughts.

I could not strike her down,
So beautiful, so fair, so lovely—
The happy bride of a happy man,
And ne'er could she be mine!
I let them go unharmed
But to curse my lot
In my after-musing.

I again determined to
Execute the object of
My accursed mission hither.

Again I laid my plans.
Two years ago we first
Set foot on this fair land.
A thousand plans I studied,
A thousand plans proved vain.
At last I heard that he,
The princely Don Morez,
Was absent from his palace
In the city of Mexico
To review his vast estate.
I saw my time had come.
She was the object of my revenge,
Like a prowling cur, I stole
Into the house and crept
Into a closet until night,
For night is a fit symbol
Of gloomy crime and its
Ignoble executors.
And after she'd retired,
I came from my hidding place,
Ignited a torch, and with
The aspect of a fiend—
With the laugh and jeer and jibe
Of a maniac, lifted up
My glittering blade that soon
Must fall and do its worst.
I recalled our gladsome days,
Rehearsed my tale of woe,
Of love long lost and thirst
For vengeance. She implored
Me in the Virgin's name
To spare, forgive and save her
And her innocent babe,
But to no avail. Oh, God!
I behold her now, her babe
In her arms, beseeching me
To quit my torturing threats,
But I, with the spirit of Hell
Itself with me, stood
A dumb, immovable ghost

Of death, a demon—I struck
The trembling dagger through
Her breast. A wail, a groan
Was heard and all was still.
The babe, the image of
Veronna looked at me
And smiled. Oh, God! I would
I'd never saw the light!
Again my blade went up
To spill the blood of innocence,
Aye, as pure as was shed
On tragic Calvary's height.
E'en in the bud this flower
Was cut from earth but to
"Return to God who gave it."
I saw my deed of carnage
And shrank from human presence.
I fled the house in haste.
My poinard still is wet
With human blood—not all
My soul is steeped in hell.
Ah, stranger, the end is near—
Look! I see her—Oh, Veronna!
How fair, how lovely, how divine!
Behold that wonted smile!
Oh, God! am I forgiven?
No, I can not be;
I feel the flames of Hell
Hot and sulphury twine
About me now.
That smile would pierce my heart,
But for this faithful blade—(stabs himself)
Accursed steel, thy work is done—
Veronna, love, thou art avenged.

October, 1902.

Imperialism

The question of imperialism, which is agitating the two great political parties of this country has led me, in my feeble manner, to say something on the following subject:

What the mission of the American arms was as compared with what it is?

On the one hand, during the revolutionary struggle of the thirteen colonies, against that proud and potent giant of nations, Great Britain, caused by her trampling upon the rights and privileges of those small and almost helpless dependences, and urged on by the patriotic speeches of Patrick Henry and others, her little, yet valiant armies, commanded by a Putnam, a Wayne, or a Washington on the North; and by a Marion, a Sumpter, or a Lee in the South, arose against fearful odds, both local and foreign, and cast off the yoke of oppression and tyranny and put on the golden necklace of liberty, justice and right.

When France became involved in a foreign war, and tried to force the young American republic to aid her, in recompense for France's aid in the American Revolution, she showed, by means of her armies, that she was not dependent on or under any obligation to any foreign nation.

When her maritime independence was threatened by the barbarian states of Northern Africa, she, with her small and inefficient navy, manned by brave, patriotic and freedom-loving commanders, maintained her honor and forced her enemy to bow in reverence to her and beg for mercy at the cannon's mouth.

In 1812, when her old enemy, Great Britain, was not respecting her maritime rights, even in her own waters, and on her own coasts, and was forcing her brave seamen into the British navy, she again rose and drove the British Lion from her domain, making him howl with misery.

Next, we see her forcing Mexico, in 1846, to bow in humble obeisance to her, for her oppressive Texan subjects, who were struggling to throw off the foul yoke of oppression and injustice as our forefathers did in former days. Again, in that famous and bloody war between the States, she established the last mark of human freedom in her great domain; and in the late years of 1897 and 1898 she forced Spain to acknowledge the independence

of the little island of Cuba, which had, for 200 years, been struggling in vain for freedom. In all these wars she fought for freedom and independence, those blessings which God decreed and intended for man, His own image.

But what is the present condition of affairs since the mission of her armies has been changed—changed from that pure, holy, and upright mission of procuring freedom and independence for the oppressed, to a foul and debased mission of further oppressing the oppressed?

Only look to the far East. There, 7,000 miles from the nearest American shores, lies a cluster of beautiful, tropical islands, the Philippine Archipelago, inhabited by about ten million liberty-loving people who, like the Cubans, have been striving for over three centuries to cast off the Spanish yoke of oppression, misery and woe. But in casting that yoke aside what have they gained.

Look again! See those tented fields, those columns in glittering uniforms! Whence are these? What banner is that waving in their midst? Alas! It proves to be the Star Spangled Banner, those columns are the boys in blue. Yes, thousands of boys in blue are there who have left their homes, friends and parents and volunteered to fight for their country. But alas! They are being sent to that foreign land to oppress the weak and exhausted, virtuous and freedom-loving natives, to make them subjects, vassals, slaves; to fight against the ancient principles and mission of their own dear land.

Aye! No wonder the American Eagle screams in fear; no wonder he droops his head in shame. Oh, countrymen, arouse to your duty and put a stop to these threatening dangers to your own dear land. Cast from her domains the prefidous and imperialistic traitors who wish to set aside her old institutions and build upon the ruins of a once proud republic a cruel and oppressive empire.

October, 1900.

The Expansion of the Anglo-Saxon Race

A subject which is of the utmost interest to us all; a story which is in itself a tale of wonders, a book which savors of the romantic, is that remarkable account of the growth and development of the Anglo-Saxon race.

From the time our sturdy ancestors, the Angles and Saxons, left their barbarious haunts in the wiles and morasses of Northern Europe to sail the tempestuous seas to measure strength with the hardy French and Scandinavian pirates, and to breast the warry waves of the Atlantic in quest of booty; at last to wage a war of conquest against the semi-Roman tribes of Britain, compelling them to share their lands with the invading hordes as they poured across the English Channel, until the time their descendants, after having founded a great kingdom on these beautiful isles, skimmed the Atlantic and established even a greater empire on the Western Continent, thence advancing across the great midland plains and pushing their way over the towering Rockies and picturesque Sierras and down into beautiful valleys of California at last plying the unbroken waves of the broad Pacific and penetrating the Oriental jungles, imparting the blessings of civilization and the sacred principles of Christianity to the idolators of barbarious India and the followers of Confucius in benighted Cathay, a story of romance, a story of adventure, a story of glorious deeds and rare accomplishments which thrill the souls of every true and patriotic Englishman and American, attends the race.

This illustrious race has given to the world hundreds of heroes whose fame can perish only with the end of time.

It's true that our more remote ancestors were once in the lowest states of barbarity and feticism, nevertheless they had brains that were capable of the highest development and souls that might be turned to the glory and honor of their Maker, the Alwise and Omnipotent Benefactor of mankind.

It is needless to make reference to the immortal Newton, who grasped Nature's golden chain and caused a revolution of the then conceded laws of the universe in setting forth the laws of gravitation. It is needless to call your attention to the re-

markable Sir William Herscial, who soared into the boundless limits of the stars, revealing a new world and a sister planet and pointing out the plurality of satellites that attend her in her revolution around the sun.

It is needless to mention our own beloved Franklin, who penetrated the heavens and grasped the fiery tongues of lightning, bringing them to earth to be utilized in carrying human messages over broad continents and beneath the waters of ocean's briny deep. These are only a few of the stars of the first magnitude that glow in the Anglo-Saxon scientific dome.

Her literary firmament also sparkles with a thousand radiant stars, whose luster shall fade only in the golden dawn of eternity.

The immortal verses of the illustrious Shakespeare, whose magic pen, through his still more magic mind, has immortalized every earthly creature, from the humblest insect and hissing serpent that crawl at our feet, to the king as he sits on his throne, draped in silken robes, glittering with the rarest of jewels, significant of his royalty and power. His verses will be chanted by the Anglo-Saxon student till the last trumpet shall have been sounded and echoed from the lips of Heaven's angels on eternity's morn.

We might say something of Marlowe, who revolutionized the style of the literary drama; of Milton, who unlocked the gates of eternity and beheld the splendors of Heaven and the horrors of hell, revealing himself in some of the world's greatest epics; of Bryant, whose youthful doubts expresses themselves in longing, plaintive sighs for truth; of Longfellow, who touched alike the hearts of the joyous lover and the stern philosopher with his brilliant wit and striking pathos; of the thousand others who have touched the melodious cords of Nature's harp, whose sound in itself is almost heavenly, and echoed in more plaintive strains the songs of the Syrens that entranced the bewildered voyager as he rocked on the bosom of the billowy deep in the mythical days of yore.

This most glorious race has given to the world statesmen and orators who have almost shaken the foundation stones of earth, as it were, with their eloquence. Of this school, the Right Honorable William E. Gladstone, whose voice as yet has hardly ceased to reverberate in England's parliamentary halls, and

whose shrewd diplomacy has placed the government of England on a basis as lasting almost as the implacable rocks of Gibraltar; and our beloved Webster, whose voice has thundered through the corridors of our nation's capitol time after time, advocating the sacred, undiluted principles of a liberty-loving people before God and man, are most excellent representatives.

This race has given to the world a list of military geniuses almost innumerable, who have stood forth for the maintenance of the glory and integrity of their respective governments, and have shed luster upon the honor of the race. Of these we would mention the noble Duke of Wellington, who checked the advance of the proud French columns who, under the command of the renowned Napoleon, were devastating all Europe, forcing nations to do obeisance to the haughty dictator; or of our own gracious benefactor, George Washington, who struggled laboriously for American liberties and who vindicated the great truth that "When Greek meets Greek, then comes the tug of war;" or of Lee and Grant, who further vindicated this truth, and showed to the world that Anglo-Saxons do not barter principles and convictions for a few mites of this world's wealth.

And now, as this giant of races is about to clasp the world to his powerful yet gracious and beneficent embrace, may it be our earnest and hopeful prayer that neither we nor our successors shall do one thing that would cast reproach upon our glorious people, nor that will add a single blot to the radiance and splendor of the proud record that have so eagerly toiled to make.

May, 1901.

Social Equality of the Races

A question which has greatly agitated the minds of the people of this country, and which has to some degree engaged the attention of much of the civilized world for the past few years, and especially for the past few months, is: SHOULD THE AFRICAN BE PLACED ON A SOCIAL EQUALITY WITH THE CAUCASIAN?

I feel a great delicacy in attempting to say something on this important and far-reaching question. Our greatest men seem to be divided in their opinions with regard to it, but it seems to be the result of partisanship rather than a struggle of honest convictions. The seeds which were sown long before the sixties, and which reached their fullest growth in the bloody struggle between the States, that caused the whole Western Continent to quake and tremble and the most precious blood of the most daring and patriotic soldiers that ever trod the earth to be poured out on a thousand battlefields as a sacrifice for what they thought to be just and right—I say, these seed are still bearing fruit, and there yet remains a germ of sectional strife implanted in the hearts of our people.

We feel that the destiny of our great and glorious Republic rests a great deal upon the decision rendered regarding this question of social equality. Should it be decided that these dusky sons of Ham have an equal capacity of learning, an equal conception of the law of mortality, and an equal regard for divine law and teaching, it is proposed by some to regard him as a social equal to the white man.

We indeed have a great reverence and regard for our colored people, who glory in the title of "THE OLD TIME DARKEY." We truly feel a great degree of respect for him when our minds revert to the days when a mighty Civil War raged over our nation and threatned destruction to our beloved Southern homes. When the gloom of war hovered over the land, when the mournful roll of drums reverberated in the air summoning brave-hearted lads to the ranks, and when the last husband, or son, or brother who was able to bear arms was called upon to offer his life upon his country's altar, the faithful old negro servant, in whose care the mothers, sisters, and loved ones

had been entrusted, ever loyal to the old hearthstone, would shoulder a firelock in time of danger and seek to defend the home which he loved so dearly—whose virtues he held so sacred. Oftentimes he followed his master to the field of battle, espousing the cause which was thought to maintain his bondage, and was frequently found beside his fallen master, and would be the only one to imprint loving, passionate kisses upon the cold marble brow of one for whom he would willingly have sacrified his life. I repeat, to the OLD TIME DARKY is due a loving tribute of respect, and a monument should be erected by the South of today to fitly commemorate his gracious and merciful deeds to a sorrow-stricken people.

But, ah, how different with so many of the present generation, servants to their own gloomy, brutish passions, without regard or love for home, country, or God. The present is the only time with them. Yesterday is of the past, tomorrow too far ahead; and thus, sustained by their political liberty, they rush on to destruction and eternity. I do not wish to be understood as an advocate of bondage, or as a champion of serfdom and brutality, but as a friend of truth and right. The present dusky children are in a greater bondage by far than their much-honored antebellum ancestors.

Then are we going to decide that this degenerated race should be placed on an equality with the Anglo-American people, who have for centuries been the bearers of civilization and Christianity to the savage and unenlightened? Shall we give to the Negro the social right to take his stand in the pulpit and in his way expound the word of God to a mingled audience of whites and blacks? Shall we give him the right to enter our legislative halls and dictate the laws of this great Republic? Shall we concede to him the right to occupy the President's chair as chief executive of the Anglo-American people? Or, finally, shall the glory of that dear old banner, whose beaming stars and sacred stripes have waved in splendor in every clime beneath the great canopy of heaven, imparting the blessings of liberty and happiness to downtrodden humanity wherever their golden luster has chanced to cast its hopeful ray, whose silken folds have enwrapped more than one immortal hero who has fallen on the field of battle fighting to uphold the glory and honor of the proud home of the free—shall we permit the purity of that illustrious

standard to be polluted by letting it wave over a land where African and American are considered equal socially and politically?

There is a saying that all men are created equal. 'Tis true, they are all created helpless babes in their mothers' arms, compelled to rely upon the devotion and love of parents, and the providence of God; but in some there is an inate germ which may be developed to an infinitely higher point of excellence than others may hope to reach. In this, there seems to be a preponderance of number in the Caucasian race, of which we, as Anglo-Americans, are a type, and never shall we condescend to regard ourselves upon an equality with the African, at his present standard of excellence, so long as Anglo-Saxon bodies are ruled by Anglo-Saxon minds.

March, 1902.

The Past and Present Live in the Future

(When a Representative of the Calliopean Literary Society.)

In the great Book of Life it was not written nor was it intended that man should die, in the absolute, with the mortal casement in which he dwells while an active being in the world. He shall still live—not as an active being, but he shall live in the minds of the people of his country, either as a symbol of purity, uprightness, and a true image of God or a symbol of eternel hell.

He shall live in accordance with his deeds. His deeds may be small yet good, or they may seem great, yet are foul and uncouth. The deeds of our most ancient parents, though they seemed small to them, perhaps, have lived through generation after generation and shall ever live and cause each succeeding generation to suffer from them.

Socrates still lives as a symbol of Grecian wisdom. The ages whisper in our ears his last words of advice and exhortation to his loving pupils before he drank the fatal hemlock.

I can see him, in my imagination, sitting in the heavenly choir of God, wearing a golden diadem set with sapphires of the purest kinds and rubies of the richest hue as a reward for his faithfulness and devotion to a God whom he recognized as the Maker of all things in preference to the legal gods of his country, whom he recognized as non-existent.

Aristotle and Plato also live as monuments of Grecian wisdom and understanding.

Homer, the blind poet, lives and shall ever live a symbol of Grecian eloquence and song. Though blind and humble then, many cities of Southern Europe now claim the honor of being the birthplace of a man so great and true.

Virgil, the great Epic poet, and Horace, the great Lyric poet of Rome, still live as monuments of Roman wisdom and eloquence. Their poems are yet chanted on the gentle winds of Italy, and their beautiful and sublime notes are wafted over the civilized world, filling the air with ecstacy and song. The schoolboy is inspired by them and strives to become great and honorable.

Dante lives and shall continue to live the hero of Medieval poetry.

Milton, the greatest Epic poet of modern times, lives a glowing monument to English song and English ideas of the Creator of the world. Milton, like Homer, was blind and had innumerable obstacles to overcome, yet by his untiring energy he has accomplished a deed that shines to the world as bright as the noonday sun.

The name of Alexander will ever stand as the symbol of Macedonian determination, indomitable courage, and untiring energy and bravery.

Leonidas, with his three hundred Spartans have left at Thermopolae and in the minds of the people a monument significant of Spartan courage and obedience.

The name of Caesar is significant of Roman heroism and supremacy. Julius Caesar shines as the instrument of God in preparing for the Savior of Man by establishing a universal peace for the reception of one so pure, so divine.

Charlemagne and Napoleon are the heroes of French militarism. Napoleon, with his proud columns, flaunting banners and screaming eagles penetrated the very heart of Europe, and forced the Russian bear to tremble and recoil under his martial grasp. Germany, Prussia and Austria were all forced to yield before the heroic legions of Napoleon. Egypt was overrun and laid desolate. Coalition after coalition quailed before the columns of French heroes. But the star of both Napoleon and France were at their zenith. That star which had dazzled the world was destined to set. A final coalition was made which resulted in the eagles of France forsaking the heretofore victorious legions, and the star of France and the child of Destiny sank forever.

Our own George Washington and Robert E. Lee live and shall continue to live the champions of American liberty, justice and heroism.

The names of Demosthenes and Cicero are emblematic of Grecian and Roman oratory and eloquence. Their voices are yet heard to resound in the corridors of eternity and are echoed back to earth. The voice of Demosthenes inspired Grecian advancement in all the arts of that time. Cicero will ever live as the preserver of the great Roman government against the vile

and contaminating influence of a well planned conspiracy of the treacherous Cataline.

Webster, Calhoun, Hayne, and Clay live symbolical of American wisdom, eloquence and oratory. They shine to their native country as guiding stars to the following generations. I can hear their voices as they are wafted by the zephyrs that float gently over our heads, entreating us to make our names immortal by deeds that are characteristic of true greatness. I can see them looking from their lofty eminence sanctioning our every deed of virtue and truth and disdaining our acts of unrighteousness.

The present, too, shall live in the future.

Shall we make it an epoch worthy for a model for succeeding time, or shall we cause it to be looked upon as a period of unhallowed deeds.

Dear comrades, you shall each be a factor in the future destiny of both yourselves and your country. With the sweet goddess, Calliope, as your guardian angel ever hovering around you, the face of whom is a beaming sun shining in limitless splendor, and a flower of incomparable beauty; whose robe is dyed in the sweet perfumes of Eden and sends forth an aroma on the wafting waves of the gentle and refreshing winds ever blowing around us; the voice of whom is the very essence of eloquence and song, and as soft and melodious as the inspiring notes of the golden lyre; in the ship of true Calliopeanism, with wisdom for a rudder and eloquence for a guide and steersman, may you be on the road to immortality—not of misery, woe, and eternal sorrow, but an immortality of joy, bliss and everlasting rest and happiness, where you may join the heavenly choir and wear a crown of glory forever.

April, 1900.

Valedictory

(Written for Miss W—— T———, April, 1905.)

Since the day that man first viewed his beautiful abode newly wrought by the Omnipotent Hand from naught and chaos and fashioned by a kind Providence into a vast garden of beauty—a world of sublime loveliness—and saw in himself the glorious climax of all creation, the perfect image of his Creator; and then with discontented longing deigned to stoop to the level of the clay from which he was moulded, seeking a further indulgence of his vanity, the career of mortals has been gladly and sadly diversified. Joy has been tempered with grief, gladness with sorrow, and perfect blessings have been crowned with misery and woe—with the mixed cup of which it is the common lot of man to quench his thirst and then continue his uncertain course from dawn until twilight, from the threshold of life to the dim portal of eternity.

When he finds the pathway of life strewn and carpeted with flowers, yes, flowers of the richest and rarest fragrance, he must guide his footsteps with care and caution, for beneath the tinted petals of the most beautifully-colored rose there lurks the cruel thorn.

Life has been appropriately likened unto a stream, rising from the pure fountain of childhood and gently flowing into the laughing, leaping, lunging streamlet of youth—now dancing in playful ripples from shore to shore, now rolling and rushing to be dashed to spray on the jagged rocks beneath the plunging cataract—and then in the ever-widening valley of middle life it grows and expands into a broad river, with its eddies, currents and counter-currents, until finally it is lost in the boundless gulf of Death and the great beyond.

What a halo of joy and of greeting gleams on the face of a mother as she looks for the first time on the face of her new-born babe; and with what gentleness and love does she care for it through its tender years until its bark is safely launched in the ocean of time; but ah, what a cloud of pain and sorrow hangs o'er her countenance when she is called to the bedside of her son to watch the fire of his existence burn out, and then

burst into a flood of tears as she presses the last fond, passionate kiss on his pale and trembling lips, and hears with woeful bitterness his final farewell.

It is a joy to welcome, but oh, what a sadness it is to say farewell to those we love. And I would that today, as I come with heavy heart to say good-bye to you dear schoolmates and friends, I could find sweet solace in these words of Byron, too true, but none the less remorseful:

"Have not all past human beings parted,
And must not all the present one day part?"

But no, the sweeter sentiment of another poet finds lodgment in my heart—

"When forced to part from those we love,
Though sure to meet tomorrow,
We yet a kind of anguish prove,
And feel a touch of sorrow.
But oh, what words can paint the fears
When from those friends we sever,
Perhaps to part for months—for years—
Perhaps to part forever."

But now, dear friends, of this beautiful little village, we can not longer linger at the door of vain regrets, but must bid you good-bye. Kind indeed was the Providence that brought us to your midst, and many have been the pleasures that you lavished upon us; and though now we must part, sweet memory will ever bless us with the glad thought of those days which time can not restore. We must leave you now to walk in other paths, be guided by other hands and helped by other hearts, but none can be safer and gentler than those we leave behind. With hearts full of appreciation and love, we bid you farewell.

But even yet there are tenderer ties that must be broken—ties which have been made strong and stronger by everyday association and blessed companionship; and as I turn to pay a farewell tribute to teachers and schoolmates, there rises in my bosom a throb of grief which no language of the emotions can relate.

Dear teachers, good-bye. You, who with never-ceasing patience and forbearance have manifested such a deep, untiring interest

in each one of us, and infused into our souls the very essence of your noble lives, and made us long for higher and better things, can not conceive of the pain it causes us to be forced to utter these parting words. For many of us, the Halcyon days are past that we are to be permitted to sweetly repose under the blissful guardianship of your counsel and learning. But yesterday we rejoiced at having the fountain of your knowledge to draw from; today, with drooping heads and trembling hands, we loose the golden chalice from our grasp; tomorrow we pass away —we know not whither—banished from your shielding presence. But words fail me. Farewell.

Dear Philomathesians, to you we would not fail to say a parting word. Ours is a mutual sorrow today. The friendly struggle in which we have been engaged for many months ends today in a truce of sad and sorrowful separation. We have contended as rivals in the race for the laurel wreath of excellence, not as foes with a cause of honor to avenge. You have proven yourselves worthy knights on the field, and now as you enter the arena of life, we can not but urge you to face the fight with the same fearlessness that has characterized your efforts here. Never cease to be "Lovers of Learning", or "Seekers of the Truth" in all its bountiful fullness, for what is seeking the truth but Wisdom, the offspring of Knowledge? May the stars on your beloved banner never grow less in number, nor less brilliant in their beauty. Farewell.

Here I can not but hesitate, for my dear beloved Calliopeans, to you comes the final adieu. During our relationship as coworkers in this glorious band of Burritt boys and girls, I have learned to love you as brothers and sisters, and it is like tearing my heart from its bed of flesh to say farewell to you. But like Promethious of old, I am bound to the rock of helpless remorse and must writhe in the deathless agony of this torturing moment. Soon we will gather for the last time in that dear old hall, fraught with its countless pleasant memories and fond recollections—a Paradise of blessed thoughts, a feast to the eyes and an inspiration to the soul. Soon we must furl that glorious old banner, the emblem of excellence, the pride and delight of Calliopean hearts; and while it must soon pass from our view, we can never, never forget the sanctity of those beautiful words inscribed on her silken folds, nor lose sight of the effulgent ra-

diance of that blessed star of Unity and Strength—unity of hearts in an aspiration for the highest and best and a strength of determination to excel. What sweeter hope could we have in this hour of parting than that we may walk in the light and beauty of Wisdom's way until Immortality, the glorious goal of our endeavors, shall burst upon us in all its sublimity and we can proclaim with the eloquence of never-ending joy the glory of an eternal reunion. And to you whom the world must soon welcome we would say, be honest, be noble, be true, and the crown of success will be your reward. Farewell.

One moment more and the spell is broken:

Farewell, Old Burritt, thou Mecca of our hearts,
To all thy hallowed blessings fare thee well;
Time calls us from thy shrine—imparts
A sadness to our souls no tongue can tell.

We feign would linger near thee yet awhile,
And from thy sacred fountain quench our thirst;
In thy pure waters neither guilt nor guile
Nor taint nor stain can e'er be found immerst.

We feign would linger neath the blessed spell
Of thy rich grace and sweet security,
And hearken to the notes of thy old bell
As it chimes our joys through blest futurity.

But no, Alas! Time calls us hence. We hear
With grief its last sad peal—our parting knell—
And through eternity our hearts must bear
The solemn impress of this last farewell.

[I prize this above everything else I have composed, especially the little poem to my Alma Mater.—M. C.]

The Handwriting on the Wall

(Written for H—— S———, Representative of C. L. S.)

When we view the gruesome cloud which hangs like a pall of gloom over the Orient, and behold the storms of carnage that daily burst from its turbulent depths, we are led to repeat the question, "Can any good come of war?" To this query an answer is echoed from the oblivion of ages past and gone which in muffled accents proclaim, that "Time alone can tell."

When the Sun in his wonted glory smiling rose and cast his gleam on Calvary's height to find Golgotha's bosom pierced with the cross on which was to be suspended the Savior of Man;—when His limbs were nailed to the cross and the crown of thorns implanted on his brow, and his pure heart beat with the agonizing tortures of Death, did those servants of Augustus realize, as they thrust their spears into his side and poured forth his precious blood, that in that deed the salvation of a world depended? No, but Earth quaked and trembled her acknowledgment, peals of thunder rolled amidst the heavens, and firey tongues of lightning shot athwart the sky, while Apollo himself hid his face in meek veneration and dismay.

And today, as the wail of wounded thousands is wafted to our ears from the far away hills of Manchuria—her valleys running red with human gore, and her soil drenched with the blood of Turan and Slav, who knows but what in this fearful human slaughter the purging of a nation depends? Who knows but that the little Japs, the fighting terrors of the East, are to be to Russia what Attila was to Rome, "The Scourge of God" to lash the haughty tyrant into shame? Already her hosts have been baffled; army after army has been forced to yield before the awful onslaught of the heroic Japs; fortress after fortress has been made to open its gates to the victorious enemy; and the flower of her vast empire has withered before the blasting fire of a relentless yet no unmerciful foe.

The Great Bear of Europe and Asia has been humiliated; his prestige on the seas has been reduced to a mere fable of the past; the terror of the dreaded Cossack has become a joke. Anarchy reigns at home, and Discontent, like a ghostly shadow, stalks abroad the land.

Proud Russia, thy crisis has come. "The Handwriting is on the Wall." Cries of liberty rend the air. There was a day when the tyrant's hand could wield the scepter undismayed over a degenerate populace, but Time has evolved a civilization which no longer yields to the whims of the Little Father, nor bends a suppliant knee before the throne of the haughty Autocrat.

Almighty Czar, the day of thy doom draws nigh—behold thy fate and tremble. Turn thy proud head and see in History's mirror the reflection of thy fall. Hearken to the doleful cries of thy bleeding and dying soldiers borne across Siberia's snowy desert and echoed from the hearts of widowed wives and childless mothers in plaintive prayers for peace. Lend ear to Liberty's clarion note, and grant Freedom's humble petition ere it be too late.

Think you not that behind prison bars the spirit of Maxim Gorky rests secure; for no, the fire of his words has already burned into the hearts of many millions, and the flame of his patriotism has begun to kindle into a vast conflagration.

From Poland's plains there comes a rumbling sound which portends no good to Russian supremacy. Many years have passed since the gallant Pole was forced to yield to the irresistible hand of the triple-alliance, but the memories of that fateful epoch have never been forgotten. His lands were laid desolate, his majestic castles were despoiled and razed to the ground, and his Lords and Knights were banished from the land they loved and the homes they cherished to appease the vanity of the heartless conqueror.

The same spirit that prompted the dauntless Kosiusco to seize the sword and fight for American liberty—the same spirit that led the brave Pulaski to spill his blood and sacrifice his life on the altar of Freedom in a foreign land, is today urging the descendants of their fathers to arise in the strength of their former glory and cast off the yoke which has so long and so heavily weighed upon their necks.

Haughty Russia, thy sins have found thee out. The star of Autocracy now wanes beneath the super-brilliancy of Liberty's glittering orb, and but a few years shall pass before it shall sink forever into the oblivion of a barbarous past.

Like Babylon of old, thou are rousing from the lethargy of thy stupid reverie to be appalled by this fateful decree, "Thou are weighed in the balance and found wanting."

April 13, 1905.

A Dream of Destiny

(Delivered at Burritt College in 1902.)

The constantly recurring cycles of time, unwilling to be deterred in their hurried revolutions, have ever been bringing mankind and his whirling abode to the day of final reparation. Every day, every hour, witnesses the launching of some human bark upon the stormy ocean of life to contend with its turbulent billows, and at last, having stemmed the threatening tides and struck a favorable current, to bring up and anchor, perhaps a weather-beaten craft in the silent bay of success, in sight of the beautiful fortune-favored shores of honor and glory, accessible by a few more determined strokes of the oars; or, it being frail and ill-fitted, to be tossed to and fro by angry blasts and seething, restless waves, finally to be submerged in the bosom of the deep, or be dashed by mad breakers upon the gloomy rock-bound coast of failure and remorse.

Empires may rise, flourish and decay; statesmen and rulers may be born to add fresh merit to the pages of history; poets, sculptors and artists may spring forth to add new luster to the esthetic firmament with golden gems—the products of their inventive minds; chaplets may be woven, and crowns of laurel may be wreathed to deck the brows of new heroes and conquerors; but the silent, yet never halting march of Time, with its joys and sorrows, pangs and pleasures remains forever the same eternal—unswerved, unchanged.

Let us view for a moment the tragic records of past ages, tinted here and there by peculiarly romantic aspects, and reflect upon the glory and grandeur of former kingdoms and kings, empires and emperors, governments and rulers in general. We perceive how the guiding star of ambition and the constant struggle for supremacy and universality have marked the fate of men and nations, who, with a greed for power as an incentive to the attainment of their loftiest hopes, have burst forth in full radiance and splendor; but, like the meteor, they sparkle and shed their glimmering rays for only a few fleeting moments and then their luster dispels and pales away in the more resplendant brilliancy of a rising sun.

Such a reflection also incites us to view more closely the present state of things, and we ponder and ask ourselves the question, "Where drifts our Ship of State?" Thence we are led to sail out into the unknown void of the future, and with imagination's eye we may attempt to catch a glimpse of a destiny whose coming is inevitable.

Oh, that the impenetrable veil that withholds the present from the future and intercepts the further vision of mortal eyes could be lifted for only a few brief seconds that mankind might behold the goal in this life which he is unavoidably approaching!

Judging from past experience, as well as from that of the present, and from an interpretation of divine prophecies as yet thought to be unfulfilled, one might discern through the intervening obscurity the dim outlines of coming fate, though time may reveal it as only a dream.

Even now we see a portentous haze hovering over Europe, which appears to be gathering little by little into a cloud of more dusky cast which may some day enshroud the whole continent, yea, the whole world, in one unbroken vesture of gloom, and hold old earth in the very throes of desolation and ruin.

Russia, that collossal power of Northern Europe and Asia, whose cruel hands have blighted perhaps myriad flowers of youth in the bud, and wasted them away as exiles in the cold, snowy desert of Siberia; whose strong and oppressive arm has fallen so heavily on her many subjects from one end of the empire to the other, threatening to visit desolation upon those who resist the imperious mandates of the tyrannical monarch—that political giant is surveying with jealous eye every maneuver of her hated rival, England, whose authority, proud but not so cumbrous, has also been established in the four winds of the earth. In fact, the English banner has been unfurled among the bleak, solitary icebergs of the polar regions, where chilling blasts chant their dismal, forlorn notes as they leap from peak to peak and play among the icy crags, their dreary strains reverberating through the unbroken silence of enveloping gloom; her silken folds have floated from the summit of the Hymalayas, whose towering peaks almost pierce the etherial realms and seem to kiss the stars, as if holding mutual converse with these celestial orbs, while the sweet aroma from palm and jessamine are born upward from the underlying plains to mingle their fragrance with the

splendid perfumes which are wafted by heavenly breezes from the jeweled robes of angels, who have flown from Heaven's gates to these lofty heights, standing like sentinels overlooking and guarding the tropical valleys below, strewn with the ruins of ancient grandeur, and traversed by silvered streams with their typical Oriental jungles, in whose dreary labyrinths the hiss of a serpent or the whist of a plummed bird, as he flits from bough to bough, alone disturb the serene stillness.

A terrible clash between these two great powers must surely result, and that at no extremely distant day. Scarcely three months have passed since another spark was added to the flame in the coalition of France with the Slavonian Empire.

From the time the Duke of Wellington plucked the star of France from the heavens, hurling it into the depths of defeat, and implanting one of more effulgent brilliancy in its stead, that nation has loathed English people and English customs with a Punic hatred.

On the other hand, we may see the ties of affiliation growing stronger between our own beloved nation, another of earth's greatest factors, and our mother country beyond the Atlantic.

I fancy I hear shrill, heart-stirring bugle notes rend the air, like as a sudden blast of wind that disturbs the calm stillness just before a gale, and the mournful roll of drums resounding over hill and vale echoes in gentle, plaintive strains from distant mountains. All nature is dumb with awe, and I see broad, expansive plains turned into vast camping grounds, mountains into fortresses, and oceans and seas into continuous fields of conflict. I see the nations of earth, from the Pacific coast of America, east to the plains of far-away India and China, mustering under either of two standards—one representing those countries who prefer idols to God, or who have polluted the sacred teachings of Christ by associating them with barbarious mythology and feticism; the other representing those countries who advocate the undiluted principles of the true faith and light, and stand for the sacred tenets of Him who glorified the Cross.

Next we hear the roar of musketry and the clank of steel, while mighty cannon belch forth their torrent of fire and missiles and hurl them forward on their ghastly errand. The smoke of battle arises, gathers into a mantel, and hovers over earth as if to hide the shame of the terrible scenes of carnage below from the face

of the Sun as he flies through the boundless limits of space, blushing and red as if startled and amazed at the deathly havoc. The tide of conflict is on, never to cease until old earth is purged with the blood of many nations, and floods of human gore "even to the horses bridles", rush in torrents to the sea.

Oh! what a tale of woe—of gloom—of horror! Could pen, the instruments of the poet's imagination, or brush the agent of the painter's fancy, picture on paper or canvas the doleful scenes enacted?

But, when the proud and haughty have been humiliated, and the pure and humble have been exalted, the overhanging shadows vanish, and the sweet melodious voice of angels rends the air bidding "peace on earth, good will toward men."

Spring at last has burst the bars of dreadful winter and all is calm and serene. The hope of Heaven has been attained and a universal kingdom has been established with Jesus Christ as King and Sovereign. Heaven has conquered and Satan is cast from earth and bound in chains to be loosed at the Conqueror's pleasure. Every flower is the symbol of purity and bespeaks the very essence of divinity; every note of bird-song is a melody of praise to God; every voice is a message of prayer and endeavor to the Ruler of Heaven and earth; every breeze that blows wafts sweet incense from Nature's altars to mingle with that of a more enticing realm.

I envy thee not, proud Babylon—neither thy joyous revelries, thy hanging gardens, thy splendid palaces decked with the ornaments of the wealth of the ancient world, nor thy temples of untold magnificence and pomp. Thy boasted glories now lie beneath thy desolate ruins, whose silent haunts mark the dreary abode of bats and owls.

I envy thee not, proud Ninevah, for thy magnificence hath long been buried in the wreck of thy glory.

I envy thee not, haughty Macedonia, for thy power hath long since passed away, and thy splendor hath been eclipsed by passing ages.

I envy thee not, O illustrious City of the Seven Hills! nor covet the weath and pomp that made thee queen of earth. You no longer greet your victorious leaders with triumphs, nor lavish the spoils of conquered nations upon your stately buildings, or the statues of your heroes, gods and goddesses. Long since your

gates have been opened, and the city surrendered to the hand of the merciless avenger. Your homes have been sacked and burned, your temples and palaces have been robbed and despoiled of their beauty and razed to the ground by the barbarious hordes of Goths and Vandals.

But I would that I could behold and enjoy the pleasures of the fifth universal empire, whose glories are of those that are eternal, and whose magnificence shall burst forth into that unspeakable Elysium of everlasting summer when the Prince of Peace returns to gather his flock together in Eden regained to lead them where gentle zephyrs blow eternal fragrance from limitless fields of flowers and waft sweet musical strains of Seraph song, forever filling Heaven with thrilling rapture and ecstatic bliss, and where the glory of God is light.

June, 1902.

A Dream of Destiny

(Revised and delivered at Vanderbilt University in 1907.)

The constantly recurring cycles of Time, unwilling to be deterred in their hurried revolutions, have ever been bringing mankind and his whirling abode to the day of final reparation. Since man first viewed the earth newly wrought by the Omnipotent Hand from naught and chaos, and fashioned by a kind Providence into a vast garden of beauty, a world of sublime loveliness, and saw in himself the glorious climax of all creation, the perfect image of his Creator; and then with discontented longing deigned to stoop to the level of the clay from which he was moulded to seek a further indulgence of his vanity, the career of mortals has been sadly diversified.

From families, clans and tribes have grown nations proud and powerful. And today, when we gaze into the mirror of the past, and there behold the tragic reflection of ages, now rich and radiant with the golden dawn of hope, now bedimmed by crimson clouds and fleeting shadowy phantoms, we perceive how the guiding star of ambition and the constant struggle for supremacy and universality have marked the fate of men and nations, who, with a greed for power as an incentive to the attainment of their loftiest hopes, have burst forth in full radiance; but, like the meteor, they sparkle and shed their glimmering rays for only a few fleeting moments till their luster dispels and pales away in the more resplendant brilliancy of a rising sun.

Empires may rise, flourish and decay; statesmen and rulers may be born to add fresh merit to the pages of history; poets, sculptors and artists may spring forth to give new luster to the aesthetic firmament with precious gems—the products of their inventive minds; chaplets may be woven and crowns of laurel may be wreathed to deck the brows of new heroes and conquerors; but the silent, yet never-halting march of Time, with its joys and sorrows, its pangs and pleasures, remains forever the same—eternal, unswerved, unchanged.

Oh, that the impenetrable veil that withholds the present from the future and intercepts the further vision of mortal eyes could

be lifted for only a few brief seconds that mankind might behold the goal which he is unavoidably approaching!

Judging from the experience of the past, as well as from present indications, and from an interpretation of divine prophecy as yet thought to be unfulfilled, one might discern through the intervening obscurity the dim outlines of coming fate, though Time may reveal it as only a dream.

When Hannibal, after a glorious struggle with adversity, stood on the "Acropolis of Italy" and beheld the broad, fertile fields below and saw the object of his pledged hate hovering as if in fear beside the Tiber, the flush of victory thrilled his soul and the glory and fame of fair Carthage seemed secure and her Punic wrath almost avenged. A world crisis was at hand! Destiny awaited the fateful command, and a saber's flash might have been the signal for Rome's day of judgment. But dazed and bedazzled by the star of success, the hand of Procrastination flung doubt in the balance and the coveted prize was forfeited to the Thief of Time.

Today, civilization, whose problems have formed the Alpine heights and frozen barriers to millions struggling for law and liberty, has evolved in our great and glorious Republic a host of heroes, strong and sturdy, who have faced the fight and scaled the challenging heights until at last they stand on the summit, the Acropolis of Prosperity, with untold treasure beneath their feet, surveying the broad expansive plains of wealth and happiness that greet their vision and invite their utmost efforts in every field of endeavor. The crown of liberty graces the brow of fair Columbia, and her banner has become a perfect firmament bespangled and illuminated by a glorious constellation of States. The olive branch is in her hand and the dove of peace nestles closely to her bosom. Her children are scattered about the earth speaking praises of her glory and doing deeds of valor in the name of the Queen of the Western Hemisphere. Every flower is the symbol of purity and bespeaks the very essence of divinity; every note of birdsong is a melody of praise to God; every breeze that blows wafts sweet incense from Nature's altars to mingle with that of a more enticing realm.

I envy thee not, proud Babylon, neither thy gorgeous revelries, thy hanging gardens, thy splendid palaces decked with the wealth of the ancient world, nor thy temples of untold magnifi-

cence and pomp! Thy boasted glories now lie beneath thy desolate ruins whose silent haunts do but mark the dreary abode of bats and owls!

I envy thee not, proud Ninevah, for thy magnificence has long been buried in the wreck of thy glory!

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I envy thee not, O illustrious City of the Seven Hills! nor covet the wealth and pomp that made thee Queen of Earth. You no longer greet your victorious leaders with triumphs, nor lavish the spoils of conquered nations upon your stately buildings. Long since your gates have been opened and the city surrendered to the hand of the merciless avenger. Your homes have been sacked and burned, your temples and palaces have been robbed and despoiled of their beauty, and razed to the dust by barbarious hordes of Goths and Vandals.

"The boast of heraldry, the pomp of power,
All that beauty, all that wealth e'er gave
Await alike the inevitable hour—
The path of glory leads but to the grave."

With mixed admiration and disgust do we stand by the tomb of Richelieu, that iron-willed guardian of Bourbon puppets, the Prince of Absolutism; with mute amazement do we look upon the cold marble sepulcher of Napoleon Bonaparte, that little Corsican who seized Destiny by the forelock and compelled him to do his bidding, who made nations his playground, armed hosts his toys, and kings' crowns his gifts in exchange for human blood; with mingled pity and contempt do we behold the fate of the Stuarts, those mock tyrants of the Seventeenth Century, whose imbecility and petty sovereignty triumphed for only a few brief years until Fate fixed forever their deserved lot.

But who would not envy the proud fortune, the rich heritage of the American citizen? To him the triumph of Liberty is dearer than the divine right of kings, and the evolution of a higher civilization furnishes a loftier theme for his thought than the creation of monarchs and tyrants.

But hark! In the midst of our prosperity, and above the din of merry-making millions, a note of warning pierces the sky. 'Tis the scream of the American Eagle! Behold the vulture's

presence, threatening the brood he so jealously guards. Yes, even our atmosphere is tainted with the lust for power and the greed for gain. Halt! Take heed, lest careless indifference and the mad rush of frenzied thousands leave the Old Ship of State to the mercy of this Jason band, who, lured on by the selfish search for the golden fleece, must surely steer the proud old boat into the maelstrom of centralization and ruin!

Other evils, like the race problem, capital and labor dissensions, the perplexities attending the question of immigration, and a tendency toward imperialistic ideas hang as ominous clouds upon the horizon. Shall our Republic fall a prey to the corrupting influences which have wrought so much havoc and destruction in the past? Shall she nurture and sustain those vices which ere long must turn upon her and gnaw her very vitals? Shall the progress of Anglo-Saxon institutions be jeopardized by a petty quarrel over an inferior race; or the wheel of Prosperity cease to revolve to empty fortune into the hands of a favored few? No. From the North, from the South, from the East, from the West comes a chorus of voices in one unbroken strain of protest. The American people are alive to the peril, and in fancy I behold them rising in the glory of their might to proclaim their sovereignty. No Macedonian phalanx, no Roman legion, no Imperial Guard is needed to extend their power or defend the treasure house of American Liberty. As the sun ascends the vaulted sky the ghostly shadows shall vanish, and at noonday not a cloud shall obstruct the glory of his rays. But a flood of light shall fall upon millions of happy hearts to be reflected in gorgeous splendor about the world. Even now the thrones of the few remaining tyrants are tottering, and their fall but awaits the evolution of a Captain fit to lead and a people fit to follow. The prayers of the masses are ascending to the God of the Universe, and their petition will be granted. "THE VOICE OF THE PEOPLE IS THE VOICE OF GOD."

The Leading Lady

Charles Frederick Adams, Manager of the Lyric Opera House, Broadway, New York, was just emerging from a little cigar stand down on the East Side near the German quarter, and stopped for a moment on the sidewalk to light a cigarette, before getting back into his big automobile standing at the curb.

"Please, sir, won't you buy a tie—these are nice ties, I made them myself; and when they get dirty, sir, you can wash them and wear them again, sir. Yes, you will buy just one, I know—thank you, sir."

The tall, handsome Manager looked before him, and there stood a little girl, humbly but neatly attired in a bright, clean gingham dress, plain black hose, old but polished slippers, with nothing on her head except a tiny blue ribbon neatly bound about a bit of her beautiful black hair. Her eyes were large and brown. Perhaps she was twelve years old. On her arm hung a basket containing a number of ties of variegated color, plain linen, handmade.

"Why yes, little girl, I'll buy a tie," replied the Manager, with an amused twinkle in his eye, and a charitable smile on his face. "Let's see, wait a moment, I will just take all of them. What shall I pay you?"

"No, you won't take all of them," she said, and her large brown eyes danced and sparkled with meaning. "You don't have to take any, unless you really want them; besides I want to sell some of them to someone else. I'm no beggar. I made the ties myself, I ask for them twenty-five cents apiece and they are worth the price."

The Manager looked surprised and non-plussed. The charitable smile on his face changed to a look of inquiring interest.

Charles Frederick Adams was the Manager of a popular theater, and he frequently came to this poor, dingy district of the crowded metropolis in search of boys and girls—waifs of the world—with whom for a small price, or no price, he could replenish his supernumerary list and chorus contingent. Such was his mission on this occasion.

He looked into this girl's face and studied her very pronounced expression. "My, this is something out of the ordinary," thought

he. Poverty, 'tis true had placed its stamp on this face; but honesty and independence of a certain degree were not covered up.

"Very well, little angel," he said, "I will take only six of them. May I buy that many? I will thank you to sell me that number." An apologetic tone, perhaps affected, marked his voice.

"All right, sir; I thank you," and she quickly started on. "I thank you so much," she said, turning toward him again

"Wait a moment, little girl. Will you please tell me your name?"

"My name is Fredda Holt, sir."

"And, may I ask where is your home?"

"What, sir—home? O, I know what you mean—I eat and sleep at the Bowery Mission—lots of girls stay there, and we have so much fun—of its kind. I reckon it's pretty poor fun from what I'm told."

"Why, little girl—Fredda, I mean—that is such a sweet name—where are your parents—father and mother?"

"They're dead. Papa was killed at the foundry and mamma died, they say, of pride and independence, but I know she was poor."

The Manager knew what she meant. He had seen scores of similar cases. The poor mother was too weak and frail to live, too proud and independent to accept charity from anyone. He now understood why Fredda had refused to sell him all her ties. She, too, had inherited her mother's spirit.

"So you are at the Mission, are you?"

"Yes, sir; there are dozens of us there. They do the best they can for us, they say. I know they do. They are church folks, and the women are so kind and good. They teach us the catechism, the Lord's prayer, and things like that, and now I am learning the twenty-third Psalm. They teach us out of a book, I believe they call it the Bible, and they tell us to be good children, and the Lord will bless us and care for us. Miss Hood, one of the good women, said that somebody, God I believe, noticed even the sparrow's fall, and cared for everybody. I wonder why he took papa and mamma away, though."

The Manager was interested. He paused, started, and then paused again. "She is so bright," thought he, "so good, so pure, so innocent."

Fredda was a beautiful girl, blessed, or cursed (which?) with all the charms and undeveloped grace that nature could bestow upon her. Dark raven hair, soft brown eyes that spoke volumes, fair rosy cheeks and a beautiful, straight figure.

"Fredda," spoke the Manager, "do you like the Mission for a home?"

"Yes, I like it, sir; they are so good to me—" then a look of hesitancy passed over her face. "No, I don't like to stay there. They do things because you are poor. I know I am poor, and I am thankful to them, but I like to do something by myself. I make ties and sell them, but when I ask people to buy them they do like you did, smile, and buy them, but I know they don't want them. I ought to be so thankful, but—"

She never finished.

"Why, Fredda—how would you like to—". The Manager stopped, as if a conflict was going on within. Again he thought, "She is so innocent—but she is talented—and beautiful. She would make such an attraction when she is a little older." Finally, he lifted his face, as if something had conquered in his soul. "O well," thought he, "when she is older, the Mission won't care for her longer, and she will marry someone of these wretched men here who will kill her very soul. She will go with the rest, into the slum of poverty and wretchedness, her beauty and talents buried; why should I not try to persuade her to go to the 'Lyric' with me?"

At last he said, "Fredda, I am looking for a little girl just like you. You are the very girl I want. If you would like to go with me, you can make your living without selling ties. I will teach you to sing and dance, and I will care for you. You will have money of your own, and the good women can take someone else to their Mission—some poor child who can not care for itself. Won't you go with me?"

"Why, mister, where is this paradise you speak of? Is that the place the good women have been telling me about, where people are happy all the time? Surely that is the place, and are you the man they call Jesus who takes little girls and cares for them? I thought somebody was just writing for fun when they said, 'The Lord is my shepherd, I shall not want,' but now I believe it."

The Manager appeared disconcerted a bit, but he managed to

regain himself. "No, Fredda, this is not the place the good women told you about, but it is a place where little girls sing and dance and make merry, and make other people happy and furnish them pleasure."

"Does God notice even the sparrow's fall there?"

"God does that everywhere, my child."

Again the conflict seemed renewed in the Manager's breast. Finally he said, "Well, good-bye, Fredda. I am so glad I saw you."

"Why, mister, don't say good-bye yet. You have just begun to tell me about a Heaven here on earth, here in New York. I would like to go with you, please sir. But I will have to ask the good women at the Mission. They are so good to me."

"Yes, Fredda, good-bye;" the automobile started—then stopped once more. "Good-bye, Fredda, I'll come to see you at the Mission—"

Poor Fredda was left standing in mute amazement. He had told her so much, yet he had not told her enough. She forgot her ties, and went running back to the Mission. She was so full of wonder, she tried to tell what she had heard the "fine looking man" say, but no one noticed what she was trying to tell. She was anxious to see the "Lyric" and know what it was.

Fred. Adams went back to his Broadway playhouse. The girl's face was haunting him. "She is the best one I have seen yet," said he to himself. "Why don't I get her to come? We need her; she would like to come, I know, and get out of that cold world where her life will be lost in poverty, perhaps crime. If I don't get her, maybe someone else will. She will sure make a hit, she can't help it, in a year or two. But she is so pure and innocent, and the stage has so much filth in it, so many shadows. What if she should yield to the temptations that might come to her? Then I would feel responsible and would be damned for eternity."

Adams was noted as one of the best Managers of the minor theatres in New York. In a sense he was a man of the world, but deep in his bosom there was a conscience which he always kept guarded.

"Well," he said, "I will just report this incident to the President of the Lyric Opera Company, and if he says get her, why—I'll get her—if I can."

The President was interviewed, and he almost cursed Adams for not kidnapping the child and bringing her with him right off. He instructed him to set about at once to find her, and secure her at any hazard.

With the sense of responsibility shifted to other shoulders, Adams felt relieved. But how would he get her from the Mission. O—a thought struck him! "I will tell the 'good women' I am her uncle, and had been in search of her when I discovered her. That I am able to care for her, and will be glad to do so. The child won't know but that I am really her uncle. I'll just post the President and Mr. Lewis and a few others, who can make my representations O. K. should they undertake to investigate the truth of my claims."

The following day, Fred. Adams might have been seen in his motor car going toward the Bowery Mission. He told the women in charge that he was the Uncle of Fredda Holt, and was ready to take her and care for her. Fredda, of course, was delighted at the discovery, and gleefully sprang into his arms and kissed him. After thanking the good women for their pains with her, she got into the car and went to the Lyric Theater. As stated before, Fred. Adams was much of a gentleman, and felt an unusual interest in this waif he had picked up in the street on the East Side.

Fredda was so enraptured, innocently enraptured, with her new life and the giddy whirl to which she had been introduced, she often repeated the lines she learned in the big book at the Mission. "The Lord is my shepherd, I shall not want." This great, good man had brought her out of the slums into the gay, giddy world of wealth and pleasure and joy.

She learned very rapidly. She was taught at first to sing and dance in the chorus. Young and full of health and interest in this paradise, she was happy and was soon the most popular of the younger girls, both with the management and the entire company.

Fred. Adams watched her development and skill with much pride. He had made the most valuable find of his career. His eyes would sparkle and beam when he heard her soft, silvery voice filling the air with melody, or when she rehearsed her lines.

Fredda Holt was the brightest, most original girl of the chorus. She was clever, funny, because her heart was full. Nothing had

come as yet to disturb her innocent soul, except she had noticed so many of the older girls worn and haggard, sick, tired, and at last have to leave after weeks and months of constant work. She knew not where they went. She had noticed all this. She paid no attention to the whispers of boys and men in the audiences she appeared before. To her they meant nothing. She was all-absorbed in her work.

Two, three, four years passed and Fredda was sixteen years of age, and the most popular chorus girl that had ever made her appearance in New York. She was rather slender and was graceful and beautiful. Those soft brown eyes were constantly alert, and still she was the sweet, innocent girl that Fred. Adams found with the ties in East Side. After all, he had seen to it that she was kept above stigma or reproach. She was a drawing card and it paid to keep a close look for her welfare.

For eight months Olga Linden had been the leading lady in "The Golden Slipper," a beautiful musical comedy. Night after night for all this length of time, she had appeared before the footlights, and a full house greeted her each time she appeared. Fredda was playing a minor roll. At last, under the long strain of weeks and months, the leading lady began to show signs of fatigue. She was threatened with a nervous breakdown. Fredda had noticed this. She had observed the pink flush of life fading from Olga's cheeks, her voice was losing its tender melody. She was sick. When the President opened his mail one morning he found a note from Olga asking for a vacation, that she might go away and rest. She suggested a change in the play, that another might take the leading role. The President threw the letter madly on the floor. "No, just when we are beginning to make money, she wants to lay down on us. I have heard that cry before. No, her contract is for the year, and not a cent will she get until the year is closed."

Olga had been making out with just enough money to buy her gowns and pay her various expenses. She had no time to use more. The President called her to his office and told her flatly that he could not grant her request—that she must "tough it out" or quit without pay. Poor Olga was so depressed she knew not what to do. That night she appeared on the stage again. She nerved herself to stand up under her suffering and responded

gracefully to the many curtain calls that greeted her. But a sigh of relief came when the play was over, or she had a few moments in the dressing room. She continued to appear night after night, until at last nerve-broken and exhausted, she swooned as the curtain fell on the last act.

Fredda was so disturbed. Her profoundest sympathy went out to Olga, and she was willing to do anything she could. She had been learning the lines for sometime, and felt that she had almost mastered them. She would try it, anyhow. Olga dearly loved and fairly worshipped her. The President was demanding that Olga should appear, even after she fainted following a performance. "Surely," thought Fredda, "the good women told me that God noticed even the sparrow's fall. Yet has He taken his protecting arm from about this poor girl."

The next engagement came, and the house was packed. Olga was there once more to assume her role, but the thought of it sickened her, and she fainted again before the curtain arose. What would they do? The moment had arrived. The crowd was clamorously calling for the curtain to arise. The President was swearing with bated breath. "Adams," said he, "this is a pretty sort of management. You are fired, get out! I need no such fakers as you for managers."

"Mr. Weston," cried a voice, "let the curtain go up, I'll take Olga's role." The President looked around, and Fredda was coming with outstretched arms, wringing her hands, and pleading for the play to begin, and for him to allow her to take the place of the leading lady. "Oh, the dickens! you'll make a mess of everything! I am ruined, I am ruined! Listen to the mob!"

"I will take her place, poor girl, and God being with me, you shall not lose a patron, if dollars are all you are after." She sounded the curtain call, and the play was on.

Soon Fredda Holt appeared as the leading lady. She never looked grander or more confident. A perfect tumult of applause greeted her. When that died away after many moments had elapsed, she spoke in clear, splendid phrase every word, every line without a quiver. She could not respond to the many curtain calls that marked the close of each act. Fred. Adams' "hit" was more than realized.

When the show was over, she went to Olga, and with tears streaming down her cheeks, poured out that sympathy which

only a woman can. She told Olga she would fill the remainder of her contract, and she should have every cent the management had agreed to pay her.

The President went to his office and addressed a letter to Miss Linden, stating she might consider her contract closed, that Fredda Holt would finish the season at the "Lyric" as the leading lady in "The Golden Slipper." Fredda implored the President to reconsider, insisting that she would play the role only so long as Miss Linden could not appear. She was made to understand that there would be no reconsideration, as his mind was fixed. Fredda persuaded Miss Linden to go abroad and rest and regain her strength, and divided her earnings, which she had saved, with her.

At Fredda's solicitation, Mr. Adams was reinstated as Manager, and she continued to appear as the leading lady at the "Lyric." Every seat was occupied and hundreds could not secure tickets, even for a week ahead. This would not do. The President began to think how he would arrange it. He enlarged the house; still he could not accommodate the crowds that rushed to see Fredda Holt in "The Golden Slipper." He at last asked her to fill two engagements daily. She at first declined. He then demanded that she do so; then with the idea of helping Olga, and at the further request of Mr. Adams, she agreed to fill two engagements daily. This soon taxed her strength to the utmost, and she fully realized that this must cease. At last she determined to discontinue the strain, and bluntly told the President so. But Winston had secured control of all the better class theaters in the city, and defiantly announced to her that she MUST stay at the "Lyric." He taunted her with having taken her from the streets and made her what she was. Told her of Fred. Adams' deception, that he was not her uncle, that he would publish her to the world just what she was, and that he would close the door of employment to her everywhere. Poor Fredda, she had never known much except the Mission and the Lyric Opera House. She had no time to get out in the big world and learn about it.

But her spirit of independence was again aroused as it was the day she told Fred. Adams he should not buy all her ties. She was worried, it is true, but determined. She sat in her room one

evening, and the thought she had learned at the Mission returned again, "God notices even the sparrow's fall, and cares for it."

She wrote the President a nice but very emphatic letter resigning. She also wrote "Uncle Fred" denouncing him for his deception, and requesting never to be permitted to see him again.

When "Uncle Fred" received this message he was never more surprised. How had she learned of his deception? He had looked after her and cared for her, perhaps for the money she would bring the "Lyric," 'tis true, but he had looked after her every necessity, and had taken every precaution to remove her from the usual calumny attached to actors and actresses. She was still pure and innocent, and sweet and beautiful. In fact, Fred. Adams had wondered how he himself could tell her of his deception with his own lips. He knew she was no ordinary woman, and he knew she was proud and independent, even when she was but a waif in the narrow, filthy streets in the East Side. Was Fred. Adams in love with this girl? Was he in love with Fredda Holt? He dearly loved to speak her name, and never failed to use an "Uncle's" privilege of kissing her good-morning and good-night, and to mischievously play with her raven curls. Certainly an "Uncle" and guardian had a right to do this. She was as pure and innocent as the snow fresh from heaven, though "Uncle" Fred. had manifested this unusual interest in her, and paid her these tender courtesies.

But Fredda was in her room alone. All the years came up before her. She was deceived. Fred. Adams was not her "Uncle." The President had the advantage of her and she knew it. But she was determined. She would end it all. She would send Olga Linden her money, and she, well—she—it didn't matter what became of her. There was East River, there was the Bay not far distant, and its billows would soon drown her disappointment. Were these good women at the Mission deceiving her, too? Yes, they had filled her mind with those dreams which could never come true. Was she not more in the eyes of Heaven than a dirty little sparrow? The good women had said so, but she had been deceived. The whole world was naught but deception. Therefore, she would not plead with it. She was "no beggar."

She wrote to Olga, enclosing all the money she possessed, then quietly she left her room and went out into the night. "The

Lord is my shepherd, I shall not want," she repeated. "Bah! More deception." She went across the street to post her letter to Olga. A voice called to her:

"Fredda, is that you." She recognized the voice as that of "Uncle" Fred. "Where are you going?" She screamed and darted into the darkness. Adams followed and overtook her.

"Fredda, he cried, I did deceive you, but listen, Fredda. The day I saw you, I knew you were unusual. I knew you were too pure, too innocent to go to the 'Lyric'—but I knew you were too intelligent, too pure, too innocent to risk your life in the East Side. I deceived you because I loved you, even then. I waged an awful conflict, and sought to forget you, to shift all responsibility for your future to other shoulders, but I loved you, Fredda—I loved you. You are pure gold, and have grown dearer to me each day. I, too, have resigned and will no longer manage the 'Lyric'. I am not wealthy, but I can keep and protect you, as I have all these years. Haven't I, Fredda?" She was a reasonable girl, and she had to admit the care that had been exercised over her by Fred. Adams, even if she could not say, or know, whether this care was exercised merely because she could earn money for the Lyric Company.

She told him her resolve. Told him of the letter to Olga. He persuaded her to let him open the letter. He shuddered at the thought of her rash determination. He loved her the more because of her unselfishness toward Olga. "Fredda, keep this, won't you, and come with me. I am not your 'Uncle,' and I am glad of it. I can be nearer than that without any deception, real or fictitious."

"Mr. Adams, look me squarely in the face! Are you deceiving me again? I always admired your big, generous heart. You were my ideal of a man. You were my dream of a perfect man. I was so glad to think you were my 'Uncle.' When I looked at you, I thought surely you must be the Good Man who should come to save souls. The good women at the Mission told me so much of Him, and when I saw you, in my ignorance and innocence, I thought you must be He. I, too, am glad you are not my 'Uncle' after all."

"Then, you will be my wife?"

"What about Olga? Can't we care for her, too? And the Mission, can't we help them? O, they were so good to me."

"Yes, Fredda, I'll do anything in the world I can to please you and atone for any deception of which I have been guilty."

"Yes, you will atone, but is that the right word?"

"Yes, Fredda, you have taught me that 'The Lord is my shepherd, I shall not want; He maketh me to lie down in green pastures, He leadeth me beside the still waters—He restoreth my soul—surely goodness and mercy shall follow me all the days of my life, and I will live in the house of the Lord forever."

October 24, 1908.

Opinion

(Sitting as Special Judge in Moot Court, Vanderbilt Law School.)

JOHN SMITH
vs.
JAMES CATO

In the Vanderbilt Moot Court.
Mr. Fisher, Counsel for Plaintiff.
Mr. Hall, Counsel for Defendant.

It appears that the Plaintiff in this case is a manufacturer and seller of "hacks" and heavy carriages and wagons, this being his general line of business. It further appears that Defendant, James Cato, applied to him for the manufacture of a carriage, or vehicle which was out of the ordinary style of vehicles plaintiff was accustomed to make. They agreed that this carriage should be made, and that the price of same should be $200.00. This was merely an oral agreement between the parties, no written contract being entered into.

When the carriage was completed according to specifications and was ready to be delivered, Defendant declined to accept the same. No special reason for this action on his part appears in the record.

Plaintiff brings this action to recover on the contract.

Defendant pleads the general issue, and bases his defense on the Statute of Frauds, which requires that certain contracts be in writing.

The 17th Section of the English Statute of Frauds is the one which determines this case. This section provides as follows:

> "No contract for the sale of any goods, wares, or merchandise, for the price of ten pounds sterling, or upwards, shall be allowed to be good, except the buyer shall accept part of the goods so sold, and actually receive the same; or give something in earnest to bind the bargain, or in part payment; or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their agents thereunto lawfully authorized."

This statute has been enacted in a majority of the States of the United States, in substance if not in letter. Some of the

States make the amount of consideration $50.00, some a less amount.

It has been generally settled that this statute applies to executory as well as executed contracts.

Tiffany, on Sales, says:

> "The statute does not apply to contracts for work, labor and materials."

In the case at bar the sole question to be considered is: Was this agreement to build this carriage an agreement for the sale of "Goods, wares and merchandise;" or was it merely an agreement for "Work, labor and materials." If it amounted to a contract for the sale of "Goods, wares and merchandise," then the contract should have been in writing in order that it might be enforceable upon the completion of the terms of the bargain; and if it was not in writing, then same was without force, and Plaintiff would be without recourse against Defendant.

If, on the other hand, this was a contract merely for "Work, labor and materials," it need not be in writing to render it enforceable, and the Plaintiff in this action would be entitled to recover of the Defendant if, of course, notice was given upon the completion of the job.

There is quite a conflict of opinion as to what renders this section of the Statute of Frauds applicable to contracts such as the one we here have under consideration.

There seem to be three separate lines of decisions in regard to what constitutes a contract for the sale of "goods, wares and merchandise," and what constitutes a contract merely for "work, labor and materials." Tiffany, as well as most other authorities on this subject, designate these various holdings as the English Rule, the Massachusetts Rule, and the New York Rule.

Tiffany, on Sales, p. 36, lays down the rules as follows:

> "ENGLISH RULE—The English Rule, which is followed in some States, is that a contract whereby the property in a chattel is to be transferred for a price from one person to another is a contract of sale, and is within the statute, although the chattel is to be the product of the

work, labor and materials of the person who is to transfer the property."

"MASSACHUSETTS RULE—The Massachusetts Rule, which is followed in some States, is the same, except that if the chattel is to be manufactured especially for the buyer, upon his special order, and is not such as the seller in his ordinary business manufactures for the general market, the contract is for work, labor and materials, and is not within the statute."

"NEW YORK RULE—The New York Rule, which is followed in some States, is that the contract for the sale of a chattel not in existence, which the seller is to manufacture, is a contract for work, labor and materials and is not within the statute; but, if the chattel is in existence, the contract is one of sale, and is within the statute, although the seller is to adapt it to the use of the buyer."

In its deliberations, the Court has selected a leading case under each of these rules, and has endeavored to give careful study to the reasons assigned for the holding in each case.

The leading case under the English Rule seems to be that of LEE vs. GRIFFIN, decided in 1851. In this case the action was on an oral contract for the manufacture by a dentist of a set of teeth, and the defense was that it was within the statute of frauds and therefore unenforceable because not in writing. The plaintiff argued that it was a contract for work, labor and skill, and though some materials were furnished, they were unimportant and secondary. The Court held that it was a contract for the sale of a chattel, and therefore the sale of goods, wares and merchandise, and within the statute.

Blackburn, J., said:

"If the contract be such that it will result in the sale of a chattel, the proper form of action, if the employer refuses to accept the article when made, would be for not accepting. But if the work and labor be bestowed in such a manner, as that the result would not be anything which could properly be said to be the subject of sale, then an action for work and labor is the proper remedy."

Now, turning to the Massachusetts Rule, the case of Goddard vs. Binney, 115 Mass. 450, seems to be a leading one:

In this case, Goddard, a carriage manufacturer in Boston, agreed to build a buggy for Binney and to deliver it at a time, certain. Binney gave directions as to the style and finish of the buggy, and it was built in compliance with his directions, and marked with his monogram. Before the buggy was finished Binney called to see it, and in response to an enquiry of Goddard, asking if he might sell the buggy, replied that he would keep it. When the buggy was finished, Goddard sent Binney a bill for it. The buggy was afterwards destroyed by fire while in Goddard's possession. Here it was held that the contract was not one of sale within the Statute of Frauds, and that the property had passed and Binney was liable for the price.

In discussing this case AMES, Justice, said:

> "Whether an agreement like that described in this report should be considered as a contract for the sale of goods, within the meaning of the statute of frauds, or whether a contract for labor, services and materials, and therefore not within the statute, is a question upon which there is a conflict of authority. According to a long course of decisions in New York, and in some other States of the Union, an agreement for the sale of any commodity not in existence at the time, but which the vendor is to manufacture and put in a condition to be delivered (such as flour from wheat not yet ground, or nails to be made from iron in the vendor's hands), is not a contract of sale within the statute. (Citing Crookshank vs. Burrell, etc.)
>
> "In England, on the other hand, the tendency of the recent decisions is to treat all contracts of such a kind intended to result in a sale, as substantially contracts for the sale of chattels; and in the decision of Lee vs. Griffin, 1 B. & S. 272, goes so far as to hold that a contract to make and fit a set of artificial teeth for a patient is essentially a contract for the sale of goods, and is therefore subject to the provisions of the statute. (Citing cases.)
>
> "In this Commonwealth, a rule avoiding both of these extremes was established in Mixer vs. Howarth, 21 Pick. 205, and has been recognized and affirmed in repeated decisions of more recent date. The effect of these decisions

> we understand to be this, namely, that a contract for the sale of articles then existing, or such as the vendor in the ordinary course of his business manufactures or procures for the general market, whether on hand at the time or not, is a contract for the sale of goods, to which the statute applies. But on the other hand, if the goods are to be manufactured especially for the purchaser, and upon his special order, and not for the general market, the case is not within the statute. 'The distinction', says Chief Justice Shaw, in Lamb vs. Crafts, 12 Met. 353, 'we believe is now well understood. When a person stipulates for the future sale of articles, which he is habitually making, and which at the time are not made or finished, it is essentially a contract of sale, and not a contract for labor; otherwise, when the article is made pursuant to the agreement.' "

The Court then goes on to say that upon the completion of the buggy and an offer to deliver, or rather notice given to the purchaser that same was finished and ready for delivery, passed the property in the article to the purchaser, and that he was liable for the purchase price though the buggy was destroyed by fire while yet in the plaintiff's possession.

Now turning to the New York Rule, a leading case seems to be that of Crookshank vs. Burrell, 18 Johns, 58; 9 American Dec. 187.

This action was brought on a contract whereby it was agreed that plaintiff should make the wood-work of a wagon, which the defendant should pay for in lambs, at one dollar a head. Plaintiff made the wagon as agreed. Defendant declined to accept the same. Spencer, C. J., said:

> "But admitting that the price agreed upon was —— dollars, still it would not be a case within the statute. . . In Bennett vs. Hull, 10 Johns 364, we decided that the statute applied to executory as well as other contracts, and we recognized the cases of Rondeau vs. Wyatt; and Cooper vs. Elston, 7 T. R. 14, as containing a just and sound construction of the statute. In giving the opinion in those cases, the judges referred to the case of Towers vs. Osborne, Str. 506, with approbation. In that case the de-

> fendant bespoke a chariot, and after it was made for him, refused to take it; and Pratt, C. J., ruled that it was not a case within the statute. In Clayton vs. Andrews, 4 Burr. 2101, it was decided that an agreement to deliver wheat, understood to be unthreshed, was not within the statute. The distinction taken by Lord Loughboro in Rondeu vs. Wyatt, and by judges who gave opinions seriatim in Cooper vs. Elston, was between a contract for a thing existing 'in solido,' and an agreement for a thing not yet made, to be delivered at a future date. The contract, in the latter case, they considered not to be a contract for the sale and purchase of goods, but a contract for work and labor merely. However refined this distinction may be, it is well settled, and it is now too late to question it."

Now, from a careful examination of the foregoing cases, which illustrate the holding of each rule, we gather the following as the tests under each Rule:

ENGLISH RULE—Does the contract result in the sale of a chattel?

MASSACHUSETTS RULE—Does the contract result in the sale of a chattel which is the product of the seller's regular line of manufacture or sale; or is it the result of a special agreement?

NEW YORK RULE—Does the chattel exist "in solido?" Is the subject of the contract "in esse" at the time of the contract?

In the case of Pitkin vs. Noyes, 48 N. H. 294; 9 Am. Dec. 190, we find a clear exposition of the doctrine held by the cases as follows:

> "If a person contract to manufacture and deliver at a future time certain goods, at prices then fixed, or at reasonable prices, the essence of the agreement being that he will bestow his own labor and skill upon the manufacture, it is held not to be within the statute. If, on the other hand, the bargain be to deliver goods of a certain description at a future time, and they are not existing at the time of the contract, but the seller does not stipulate to manufacture them himself, or procure a particular person to do so, the contract is within the statute. The distinction is that in the one case the party stipulates that he himself will manufacture the article, and the buyer has

> a right to require him to do it, and can not be compelled to take one as good, or even better, if made by another; while in the other case, the seller only agrees to sell, and deliver the article, and is under no obligation to make it himself, but may purchase it of another."

In the case at bar the special contract, and the right of the buyer to require that the specific article shall be made in accordance with the agreement seems to be the essence of the contract. This, we believe, to be sound law.

We do not think the New York rule is so well founded, because the nature of the contract and the application of the statute is made to depend on the fact that the subject of the contract is "in esse", or "in solido." This appears to us to be extreme, and really evades what we thing to be the real object of the statute, at least this particular section, which is intended for the proper government of contracts between business and commercial men.

On the other hand, we think that the English Rule also goes to an extreme in holding that every contract which results in the sale of a chattel comes within the statute, especially when it comes to be applied in the United States.

For instance, here a deed is held to be a chattel, but if A employes B, an attorney, to write a deed, the attorney furnishing the paper and ink, and performs the task of drafting the same, the result, strictly speaking, would be the sale of a chattel, or rather the transfer of a chattel, but it is plain that it was the attorney's skill, etc., in such matters that was the real object in the contemplation of the party having the deed written.

So, the rule, known as the Massachusetts Rule, appeals to us as having the soundest reasoning, and to more nearly accomplish the object of the statute itself than either of the other rules.

When we apply this rule to the case at bar, we find that Cato contracted with Smith for a vehicle, a closed carriage, which was not in the usual line of manufacture by Smith. Cato had a right to expect Smith to make this carriage according to this special agreement, and Smith could not have procured another elsewhere just as good or even better than the one contracted for by Cato. The existence of the carriage itself upon completion was proof that it was not the ordinary carriage or vehicle manufactured by the plaintiff in this case. Upon its completion,

Smith notified Cato of the fact, and had a right to expect him to take it. The property in the carriage passed upon this notice being given, and according to the rule laid down in Goddard vs. Binney, had the carriage been destroyed by fire after this notice, the loss would have fallen on Cato.

Accordingly, we must hold that this contract is not within the statute, and that evidence of a parol agreement must properly be admitted and the objection of counsel for Defendant to such evidence must be over-ruled. In order to get the case and the nature of the contract before the Court, we think it might have been properly heard, even though the Court should have held that it came within the statute, and should not be regarded in the determination of the case.

It will be further noted just here that Plaintiff sues to recover only $100.00. Under our decision, he might as well have recovered the full consideration, which was $200.00, as the carriage is the property of Defendant, with a lien still existing, of course, for the payment of the purchase price.

Let judgment be entered against Defendant for the sum of $100.00, with interest from date of tendering the carriage, which was legally the date of delivery by Plaintiff to Defendant.

February, 1908.

The Enforcement of Law, Discussing the Power of Courts to Disbar Judges and Prosecuting Attorneys

"Shall the majesty of the law be sustained? Shall or not our laws be enforced?"

These are questions that are being daily propounded for the close and careful consideration of every citizen of this State, and of the United States. The questions are timely and well put. They are receiving closer and more careful consideration in the minds of the great body of the people, who at last are the guardians of our liberties, and who form the bulwark of our institutions of government; and they in turn are propounding these same questions to their representatives and officials, in whose hands they have reposed the confidence of preserving and maintaining the public good and welfare of both State and Nation.

In other days, the majesty of the law was conceded by the people as a whole, as well as by their representatives in the various departments of government. When laws were enacted by the people's representatives in the legislative halls, both State and National, and placed upon the statute books, they were respected and regarded as the law of the land unless in contravention of all constitutional right; and even then doubts were resolved in favor of the constitutionality of the law until the contrary was adjudged by proper judicial authority. Or, in the event the law might not be in contravention of rights and liberties guaranteed by the constitution specifically, yet, if it worked undue hardships and was in itself deemed inherently wrong in principle, the remedy was in the people themselves, to be expressed at the polls when new representatives were to be chosen. The disposition was to enforce the law while it stood, and thereby the "majesty of the law" was upheld, while its defects were revealed by its enforcement until repealed by the property authority.

The fact is deplorable, but none the less true, that there is a growing disposition, especially among the officers of the State

and Nation, either to hold certain laws placed upon our statute books by the peoples' representatives in the various General Assemblies and in the Congress in contempt, else utterly disregard them—yes, defy them. As a consequence, the great mass of people are beginning to think, and turn these things over in their minds, and a distinct disquietude is felt by all law-abiding citizens, and the inevitable result will be a complete revolution against this disregard for law, or the laxity of its enforcement, and a returning to the faith of our fathers—that of jealously guarding and upholding the majesty of the law.

In our own State of Tennessee, this disregard and contempt for law and order has grown to be so flagrant as to become gratuitous, and there is a disposition upon the part of many of our State officials, especially some of our Attorneys General to openly rebel against any attempt to enforce the laws against saloons, gambling dives, and lawlessness generally. This has been encouraged and protected in some localities where it seems that the lawless element and their sympathizers prevail. It has been further encouraged by those higher in authority, who seem to glory in defeating the results of those prosecutions which have been successful in bringing to justice the violaters of these laws.

It is of the highest importance that these questions are being agitated at this time, and the lines drawn between those who respect the law, and those who disregard it. Shall there be law, or shall their be anarchy? Shall the people rule, or shall the lawless rule? Shall the enforcement of all laws on our statute books be the test of their righteousness and efficacy, or shall the toleration of open and flagrant rebellion against them be the test?

In this connection, it might be interesting to put the questions directly to our State's Attorneys, and learn from them their conception of their duty, and their regard for their oaths as officers to uphold the law, and prosecute all violators to the extent of their ability. And it might be interesting further to investigate what their duties to their client, the State, are, and their relation as officers of the State and Attorneys at Law.

We are frequently met with the wail that public sentiment, perhaps purely local, is against the enforcement of certain laws, and it is useless to attempt to enforce them. Does this pretence

excuse an Attorney General from doing all he can to apprehend and bring to justice the violators of such laws? And further, does it excuse the Attorney General from regarding his oath of office, or from efforts to prosecute the lawless because in nine cases out of ten, or ninety-nine cases out of a hundred, juries fail to convict? We maintain that in neither instance is the State's Attorney excused.

If our Attorneys General do their duty, and our Judges do their duty, and charge the juries in regard to the laws as they actually exist, then the majesty of the law is upheld. When the people see that their officials are going to enforce the laws, they will respect both the laws and the officials. At least, if the law proves to be without merit—a bad law, they will go to the polls and elect representatives who will repeal the unwholesome law. On the other hand, if these officers fail in their duties, the lawless will take advantage of one flagrant disregard and defiance of law, and objections will be brought to all law, which is nothing more than anarchy.

Now, what relation does a State's Attorney, under his oath of office, as well as his duty as an officer of the Court, sustain to the public and the commonwealth in the prosecution of violations of statutes? And in what attitude should he be regarded for a willful dereliction of duty in at least attempting to prosecute law violators?

It has been held that a State's Attorney who neglects to prosecute offenders of laws, when proofs of such offenses are furnished him, or can be procured by him, is guilty of a misdemeanor, and, such misdemeanor is one involving moral turpitude authorizing disbarment or suspension; and that a State's Attorney is not excused from performing his official duties as State's attorney because local sentiment largely predominates in favor of the non-enforcement of laws that have been violated, and that he is not excused from attempting in good faith to perform such duties because convictions are difficult to obtain.

Attention is called to the case of In Re VOSS, 11 N. Dak. 540, in which offenders against the prohibition law of North Dakota, after being arrested and brought in for prosecution, were allowed to pay pro rata the sheriff's fees for searches and service of papers, and permitted to go free without prosecution in the courts. The agreement to allow the offenders to pro rate these

costs and go unprosecuted was reached at a meeting of a Citizens' Protective Association, in which the sentiment of a majority of the members was against the enforcement of the prohibition laws, and the meeting was held in the office of Voss, the State's Attorney, though he was not present during all the deliberations of that meeting.

In a proceeding to suspend Voss, the State's Attorney, from practicing in the Courts of the State, the above was filed as one of the counts against him, and in sustaining it, the Court said:

"It is our conclusion that he (Voss) acquiesced in the action of the meeting at his office, and, in conformity to the sentiment and wishes of the majority at that meeting, took no further action in the cases, and did not intend to. We can not find from a reading of the evidence that he did not know that it was the sentiment of that meeting that the prosecution should be dropped and discontinued. The attendance at this meeting was fourteen. It lasted one hour. There was much discussion. Mr. Voss participated in such discussion while present, and he was present a considerable portion of the time. Mr. Voss knew that the county was not thereafter asked to pay such fees, and must have known that the reason for ascertaining the correct amount of such fees in each case was that it was intended by the meeting that the defendants were to pay such sum. The defendants were not liable for the payment of such costs at that time. On what theory did they pay such sum, except on the condition that the actions were not to be further proceeded with. None other is apparent or suggested. . . . . Judgment could have been applied for, and on producing evidence to the Court of the maintenance of a nuisance by the unlawful sale or keeping for sale of intoxicating liquors by the defendants, the actions would have been decided in an orderly manner, either by the granting of a permanent injunction and a decree declaring the defendants guilty of maintaining a nuisance or by a dismissal of the actions for the want of evidence to warrant such a decree. It is proven in this record beyond question that some, if not all, of these defendants were engaged in openly running saloons, where intoxicating liquors were sold by them. It can not be entertained for a moment that evidence could not be produced to the Court, under such circumstances, sufficient to warrant a decree in favor of the plaintiff. No attempt was made to do so.

"Undoubtedly there was a strong sentiment in Mandan against the enforcement of the prohibition law, but we lay no stress on the contention made that efforts to enforce the law by actions such as these under consideration would be futile, as such contention is no less than an assertion that the citizens of Mandan

and Morton counties would perjure themselves rather than permit the enforcement of the prohibition law."

The above related more particularly to the specific case under consideration, but the Court in making general application, said:

"The duties of State's attorneys are to be performed regardless of public sentiment, and he who administers that office in deference to sentiment opposed to the law **is unfit to hold that office or to be an attorney at law.** It is not meant by us that States's attorneys are to furnish evidence of violations of the law, nor are they to act as detectives in order to further prosecutions. Such action is not, in our judgment, contemplated by the statute. But it is his duty to force arguments on law matters to a decision without being prompted, and if he knows of no evidence to warrant decrees in default cases the relator should be called on to produce the necessary proofs, and the State's Attorney's failure to act in such cases is not excused on the ground that public sentiment is hostile to the law, or that convictions are difficult to obtain on account of such sentiment."

Then referring back to the case in hand, the Court said:

"This question was asked of Mr. Voss: 'If there has been any act or neglect to act on your part which might be construed as a neglect to enforce either of these laws, was that act or neglect to act brought about by what appeared to you the exigency of the case, taking into consideration the general sentiment and feeling of the community?' He answered: 'Yes, sir; I realized the fact through the years that I have been public prosecutor that a penal statute does not rise above the sentiment back of it. **The sentiment of the community respecting the enforcement of a law should not be the test as to whether it is to be enforced or not. State's attorneys are not permitted to thus practically repeal laws deemed obnoxious by their constituents.** Their duty lies in the direction of attempting the enforcement of all laws when violations are properly brought to their attention."

This seems to us to be a correct and logical answer to the continued cry of the lawless, and their sympathizers, that the law in regard to prohibition and other statutes can not be enforced. Such a cry can mean nothing, and can result in nothing except a protest against the fundamental principles of representative government. And it was held in the above case that a yielding to public clamor, when it is against the enforcement of the law, involves the State's Attorney in such misconduct as to make him guilty of a misdemeanor, and justifies not only

his suspension as such officer, but also his disbarment from practice in the courts of the State.

In State vs. Foster, 32 Kan. 41, the Supreme Court said:

"After the utterance of this oath, he (a State's attorney) can not sit down with folded hands and refuse to perform the duties imposed upon him solely upon the ground that the sentiment of the community or county in which he resides is in opposition to the enforcement of the criminal laws of the State. **Under such doctrine, the more lawless the community, the less the criminal prosecutions.**"

May, 1910.

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